



JUL 21 2006

Chairman Jamie Fullmer
Yavapai-Apache Nation
2400 West Datsi Street
Camp Verde, AZ 86322

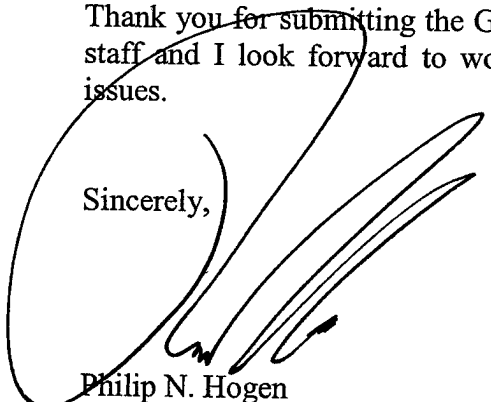
RE: Revised Gaming Code of the Yavapai-Apache Nation

Dear Chairman Fullmer:

This letter is in response to your request for the National Indian Gaming Commission (NIGC) to review and approve the Revised Gaming Code of the Yavapai-Apache Nation (Ordinance), submitted on July 17, 2006. The Yavapai Nation Tribal Council enacted the Ordinance on July 13, 2006 by Resolution 55-06 on July 13, 2006. This letter constitutes approval of your submission under the Indian Gaming Regulatory Act (IGRA). It is important to note that the Gaming Ordinance amendments are approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe has jurisdiction.

Thank you for submitting the Gaming Code for review and approval. The NIGC staff and I look forward to working with you and the Tribe on future gaming issues.

Sincerely,



Philip N. Hogen
Chairman

JUL 17 2006

**RESOLUTION NO. ~~55~~-06
OF THE GOVERNING BODY OF THE
YAVAPAI-APACHE NATION**

**A Resolution Approving the Revised Gaming Code as Title 8
of the Yavapai-Apache Gaming Code and Authorizing Submission to the NIGC for approval**

- WHEREAS:** The Yavapai-Apache Tribal Council ("Council") is empowered to represent the Yavapai-Apache Nation ("Nation") and act on all matters that concern the health and welfare of the Nation, and to make decisions not inconsistent with or contrary to the Constitution of the Yavapai-Apache Nation; and
- WHEREAS:** The Council is the legislative body of the Nation empowered to enact laws, ordinances, and resolutions incidental to the exercise of legislative powers as provided by Article V(v) and (w) of the Nation's Constitution, and the Council through its legislative powers manages and directs the economic affairs of the Nation pursuant to Article V(i) and (k) of the Nation's Constitution, and the Council is the legislative body charged with protecting the Nation's culture, health, welfare, and prosperity by managing the assets of the Nation and its people and dealing with other governmental entities in pursuing these interests as specified and authorized pursuant to the provisions of Article V(a), (b), (e), and (l) of the Nation's Constitution; and
- WHEREAS:** By Resolution 13-06, the Council adopted a new Gaming Code which was submitted to the NIGC in February, 2006 for NIGC approval; and
- WHEREAS:** The NIGC attorneys reviewed the Gaming Code and through communications with the Attorney General's office requested certain minor revisions; and
- WHEREAS:** By Resolution 37-06 the Council enacted the revisions to the Gaming Code which had been requested by the NIGC and resubmitted said Gaming Code along with a copy of Resolution 37-06 to the NIGC for approval on May 4, 2006; and
- WHEREAS:** The NIGC by letter dated May 11, 2006 officially disapproved the Gaming Code submitted February, 2006, stating that it would treat the May 4, 2006 Gaming Code as a second, separate submission, and requested further revisions be made; and
- WHEREAS:** The Attorney General's office has engaged in extensive communications with the NIGC attorneys to resolve any remaining issues and has received assurances that the final revised Gaming Code, attached hereto as Exhibit A, meets the requirements of IGRA and that the NIGC will make every effort to expedite approval of this version by the NIGC Chairman; and
- WHEREAS:** The Tribal Council finds it in the best interest of the Nation to withdraw the Gaming Code submitted to the NIGC May 4, 2006 and to adopt the revised Gaming Code of the Yavapai-Apache Nation, Title 8 (which is attached as Exhibit A to this Resolution) to be submitted to the NIGC and to become effective on the date it is

approved by the NIGC Chairman.

NOW THEREFORE BE IT RESOLVED by the Tribal Council that the Revised Gaming Code, a true and correct copy of which is attached to this Resolution, be adopted as Title 8 of the Yavapai-Apache Nation Tribal Codes, subject to final approval by the NIGC.

BE IT FURTHER RESOLVED that the Tribal Council hereby withdraws the May 4, 2006 submission of the Gaming Code and authorizes the submission of the Revised Gaming Code (Exhibit A) along with a certified copy of this Resolution to the National Indian Gaming Commission and the Arizona Department of Gaming by the Nation's Attorney General.

BE IT FURTHER RESOLVED that the effective date of the Revised Gaming Code shall be the date that it is approved in writing by the Chairman of the National Indian Gaming Commission ("the effective date").

BE IT FURTHER RESOLVED that the Revised Gaming Code shall from its effective date forward control the Nation's Gaming operations and shall repeal and supersede any and all Gaming Ordinances and Gaming Codes previously enacted by the Tribal Council.

CERTIFICATION

I hereby certify that the foregoing resolution was adopted by an affirmative vote of the Tribal Council, at a Special Meeting of the Tribal Council with a quorum present on July 13, 2006, by a vote of 6 in favor, 1 opposed and 0 abstaining, pursuant to the authority contained under the Constitution of the Yavapai-Apache Nation.


Jamie Fullmer, Chairman

ATTEST:


Karla Reimer, Council Secretary

EXHIBIT “A”

TITLE 8
REVISED GAMING CODE OF THE YAVAPAI-APACHE NATION

CHAPTER ONE: GENERAL PROVISIONS

SECTION 101. ENACTMENT OF THE YAVAPAI-APACHE NATION GAMING CODE
SECTION 102. PURPOSE
SECTION 103. OWNERSHIP OF GAMING ENTERPRISE
SECTION 104. CONSTRUCTION

CHAPTER TWO: DEFINITIONS

CHAPTER THREE: NOTICE PROVISION

SECTION 301. NOTICE

CHAPTER FOUR: GAMING POLICY

SECTION 401. GAMING ACTIVITY PROHIBITED
SECTION 402. REPORTING TO THE GAMING COMMISSION

CHAPTER FIVE: GAMING FACILITY OPERATOR

SECTION 501. RESPONSIBILITIES
SECTION 502. SAFETY AND SECURITY
SECTION 503. BUSINESS OPERATIONS
SECTION 504. PROTECTION OF ENVIRONMENT

CHAPTER SIX: YAVAPAI-APACHE NATION GAMING COMMISSION

SECTION 602. STRUCTURE OF COMMISSION
SECTION 602. RIGHT OF INSPECTION

CHAPTER SEVEN: LICENSE FOR OPERATING AND CONDUCTING GAMING ACTIVITY

SECTION 701. GAMING FACILITY OPERATOR AND GAMING VENDORS
SECTION 702. GAMING EMPLOYEES
SECTION 703. NON-GAMING EMPLOYEES
SECTION 704. LODGE EMPLOYEES
SECTION 705. TRIBAL GAMING OFFICE EMPLOYEES AND COMMISSIONERS
SECTION 706. UTILIZATION OF GAMING EMPLOYEES
SECTION 707. LICENSE APPLICATION
SECTION 708. BACKGROUND INVESTIGATION
SECTION 709. TEMPORARY GAMING LICENSE
SECTION 710. ELIGIBILITY DETERMINATION
SECTION 711. ADDITIONAL BACKGROUND INVESTIGATION
SECTION 712. PROCEDURES FOR FORWARDING APPLICATION AND REPORTS FOR KEY EMPLOYEES AND PRIMARY
MANAGEMENT OFFICIALS TO THE NATIONAL INDIAN GAMING COMMISSION
SECTION 713. REPORT TO THE NATIONAL INDIAN GAMING COMMISSION
SECTION 714. DURATION AND RENEWAL OF TRIBAL LICENSES
SECTION 715. EMPLOYEE STANDARDS
SECTION 716. OBLIGATION TO DISCLOSE POSSIBLE GROUNDS FOR DENIAL, SUSPENSION OR NON-RENEWAL;
OBLIGATION TO DISCLOSE CHANGE OF PRINCIPALS
SECTION 717. GROUNDS FOR REVOCATION, SUSPENSION, DENIAL OR NON-RENEWAL
SECTION 718. LICENSEE'S RIGHT TO DUE PROCESS IN PROCEEDINGS TO SUSPEND, REVOKE OR NON-RENEW
GAMING LICENSE

CHAPTER EIGHT: EMPLOYMENT GUIDELINES

- SECTION 801. FOR EMPLOYMENT AND CONSENT TO TESTING
- SECTION 802. PREFERENCE IN EMPLOYMENT
- SECTION 803. PERSONNEL POLICIES
- SECTION 804. HIRING AND TRAINING OF EMPLOYEES
- SECTION 805. EXPENSES OF TRAINING EMPLOYEES
- SECTION 806. IDENTIFICATION
- SECTION 807. PROHIBITION AGAINST EMPLOYEES PLAYING
- SECTION 808. PROHIBITION AGAINST SELF-DEALING

CHAPTER NINE: NOTICE OF VIOLATIONS AND DUE PROCESS FOR AGGRIEVED PERSONS

- SECTION 901. INVESTIGATION RESPONSIBILITIES
- SECTION 902. NOTICE PROCEDURES
- SECTION 903. HEARING PROCEDURES
- SECTION 904. HEARING; WRITTEN DECISION
- SECTION 905. REVIEW OF COMMISSIONERS DECISIONS

CHAPTER TEN: JURISDICTION OF THE TRIBAL COURT

- SECTION 1001. JURISDICTION; WHO MAY INITIATE THE ACTION
- SECTION 1002. ACTIONS INITIATED BY THE COMMISSION
- SECTION 1003. ACTIONS INITIATED BY THE GAMING FACILITY OPERATOR OR AGGRIEVED PERSONS
- SECTION 1004. ACTIONS FOR TRESPASS
- SECTION 1005. REMEDIES
- SECTION 1006. ARBITRATION

CHAPTER ELEVEN: PROMULGATION OF REGULATIONS: COMMISSION APPROVAL OF GAMING FACILITY RULES AND PROCEDURES

- SECTION 1101. AUTHORITY TO PROMULGATE REGULATIONS
- SECTION 1102. NOTICE AND COMMENT
- SECTION 1103. COMMISSION; REVIEW OF GAMING FACILITY PLANS, RULES, PROCEDURES OR TOURNAMENT STANDARDS

CHAPTER TWELVE: FINANCIAL PRACTICES AND REPORTING

- SECTION 1201. MONTHLY REPORTS
- SECTION 1202. MAINTENANCE OF BOOKS AND RECORDS; COMMISSION ACCESS
- SECTION 1203. ALLOWABLE OPERATING EXPENSES
- SECTION 1204. DEPOSIT OF GROSS RECEIPTS; PAYMENT OF OPERATING EXPENSES
- SECTION 1205. ANNUAL AUDIT
- SECTION 1206. DISPOSITION OF NET REVENUES
- SECTION 1207. COMPLIANCE WITH INTERNAL REVENUE CODE

CHAPTER THIRTEEN: CONDUCT OF CLASS II AND CLASS III GAMES

- SECTION 1301. CLASS II GAMES
- SECTION 1302. CLASS III GAMES; TRIBAL-STATE COMPACT REQUIRED
- SECTION 1303. DESIGNATION OF OFFICER IN CHARGE
- SECTION 1304. MERCHANDISE PRIZES
- SECTION 1305. LIMITS ON PRIZES
- SECTION 1306. PATRON DISPUTES
- SECTION 1307. FINANCIAL SERVICES IN GAMING FACILITIES

CHAPTER FOURTEEN: PROBLEM GAMBLING; SELF EXCLUDED PERSONS

- SECTION 1401. NOTIFICATION TO PROBLEM GAMBLERS
- SECTION 1402. SELF-EXCLUDED PERSONS
- SECTION 1403. RESPONSIBILITIES OF THE COMMISSION REGARDING SELF-EXCLUDED PERSONS
- SECTION 1404. LIMITATIONS ON LIABILITY/NO WAIVER OF SOVEREIGN IMMUNITY FOR SELF-EXCLUSION

CHAPTER FIFTEEN: UNDER THE AGE GAMBLING PROHIBITED

SECTION 1501. PROHIBITION AGAINST GAMBLING BY PERSONS UNDER THE AGE OF 21

CHAPTER SIXTEEN TRESPASS: CONSENT TO JURISDICTION

SECTION 1601. TRESPASS

SECTION 1602. PROSECUTION FOR TRESPASS

SECTION 1603. NOTICE AND CONSENT TO JURISDICTION

CHAPTER SEVENTEEN: FINANCIAL PRACTICES AND REPORTING

SECTION 1701. COOPERATION WITH LAW ENFORCEMENT

SECTION 1702. LAW ENFORCEMENT SERVICE PLAN

SECTION 1703. EMERGENCY MEDICAL AND FIRE SUPPRESSION

CHAPTER EIGHTEEN: FRAUDULENT ACTS; CHEATING

SECTION 1801. CHEATING

SECTION 1802. USE OF DEVICE FOR CALCULATING PROBABILITIES

SECTION 1803. USE OF COUNTERFEIT OR UNAPPROVED CHIPS OR TOKEN OR UNLAWFUL COINS OR DEVICES; POSSESSION OF CERTAIN DEVICES, EQUIPMENT PRODUCTS OR MATERIALS

SECTION 1804. POSSESSION OF PARAPHERNALIA

SECTION 1805. MARKETING, ALTERING OR MODIFICATION OF EQUIPMENT AND DEVICES ASSOCIATED WITH GAMING, UNLAWFUL INSTRUCTION

SECTION 1806. PENALTIES

SECTION 1807. UNLAWFUL DISSEMINATION OF INFORMATION CONCERNING RACING, EXEMPTIONS, PENALTY

SECTION 1808. DETENTION AND QUESTIONING OF PERSONS SUSPECTED OF VIOLATING TRIBAL, FEDERAL OR STATE LAW; LIMITATIONS ON LIABILITY; POSTING OF NOTICE

SECTION 1809. DISPOSITION OF EVIDENCE OR OTHER PROPERTY SEIZED BY AGENT OF THE COMMISSION OR THE STATE GAMING AGENCY

CHAPTER NINETEEN: OTHER PROVISIONS

SECTION 1901. SEVERABILITY

SECTION 1902. EFFECTIVE DATE

SECTION 1903. AGENT FOR SERVICE OF PROCESS

BE IT ENACTED BY THE COUNCIL OF THE YAVAPAI-APACHE NATION:

A Gaming Code to govern, regulate, and control Gaming Activities conducted on the Indian Lands of the Yavapai-Apache Nation.

CHAPTER 1: GENERAL PROVISIONS

Section 101. Enactment of Yavapai-Apache Nation Gaming Code

(a) The Tribal Council as the Legislature for the Yavapai-Apache Nation and pursuant to its Constitutional legislative authority under Article V (v) of the *Yavapai-Apache Constitution* and in compliance with Section 6 (c) of the *Yavapai-Apache Nation and State of Arizona Gaming Compact 2002*, hereby enacts this Gaming Code as the Revised Gaming Code of the Nation as its official Tribal Gaming Ordinance required by law. This Code from the date of its enactment supercedes, repeals, amends and replaces all prior gaming ordinances, resolutions, codes and other legislative documents regulating tribal gaming under the provisions of the Compact.

[History: Section 101 Revised and Amended by Resolution 55-06]

Section 102. Purposes

(a) The purpose of this Gaming Code is to make lawful and to regulate the operation and conduct of Gaming Activities on the Indian Lands of the Nation so that revenue may be produced to fund Tribal governmental operations and programs which promote the health, education, and welfare of the Nation and its members and which promote Tribal economic development. One of the primary purposes of this Code is to establish the Tribal Gaming Office required by Section 6 of the Compact.

[History: Section 102 Revised and Amended by Resolution 55-06]

Section 103. Ownership of Gaming Enterprise

(a) The Yavapai-Apache Nation is the sole owner of the proprietary interest in and to any Gaming Activity on the Indian Lands of the Nation. The Nation acts through the Tribal Council, or such other entity designated by the Nation.

[History: Section 103 Revised and Amended by Resolution 55-06]

Section 104. Construction

(a) This Gaming Code is an exercise of the sovereign power of the Nation and shall be liberally construed for the accomplishment of its purpose and to comply with the Compact and the Act.

[History: Section 104 Revised and Amended by Resolution 55-06]

CHAPTER 2: DEFINITIONS

The following words shall have the following meanings under this Gaming Code, unless the context otherwise requires:

1. "Act" means the Indian Gaming Regulatory Act, Public Law 100-497, 25 U.S.C. §§ 2701-2721 and 18 U.S.C. §§ 1166-1168.
2. "Aggrieved Person" means any licensed Person who receives a notice from the Tribal Gaming Office of an alleged violation of the Compact, its Appendices, this Gaming Code or any Internal Regulation duly promulgated by the Tribal Gaming Office.
3. "Applicant" means any Person who has applied for a License or other approval from the Commission or certification from the State Gaming Agency under this Gaming Code and the Compact.
4. "Assets" means:
 - a. All cash, chips coins, tokens, receivables, and customer deposits constituting the total amount for which the bankroll custodian is responsible and all of the above items being transported within the Gaming Facility;
 - b. All gaming devices, apparatus, and the like, that are used in connection with Class III Gaming including but not limited to slot machines, table games, and the equipment used on the gaming tables, and all devices and apparatus used in the collection and accounting of the funds and revenue generated therefrom.
5. "Barred Person" means a Person who is excluded from the Gaming Facility by the Commission because of his or her criminal conduct on the premises, or criminal history or association with career offenders or career offender organizations who pose a threat to the integrity of the Gaming Activity of the Nation.
6. "Chairman" means the Chairman of the Yavapai-Apache Nation.
7. "Class I Gaming" means all forms of gaming defined as Class I in Section 4(6) of the Indian Gaming Regulatory Act, 25 U.S.C. § 2703(6).
8. "Class II Gaming" means all forms of gaming defined as Class II in Section 4(7) of the Indian Gaming Regulatory Act, 25 U.S.C. § 2703(7).
9. "Class III Gaming" means all forms of gaming as defined in Section 4(8) of the Indian Gaming Regulatory Act, 25 U.S.C. § 2703(8).
10. "Class III Net Win" means gross gaming revenue, which is the difference between gaming wins and losses, before deducting costs and expenses.
11. "Commissioners" means the individuals appointed by the Tribal Council to serve on the Tribal Gaming Commission pursuant to Chapter 6 of this Gaming Code.

12. "Compact" means the Gaming Compact between the Yavapai-Apache Nation and the State of Arizona, dated December 27, 2002.
13. "Compact Violation" shall mean a violation of the specific provision(s) of the Compact with the State of Arizona, and shall be: (a) the unlawful operation of table games or gaming machines not authorized by the Compact, (b) operating gaming on premises not authorized by the Compact; (c) operating gaming without licensed personnel; (d) not paying the local or state government funds imposed by the Compact. A Compact Violation is a violation required by the Compact to be reported to the State, and does not necessarily include regulatory violations, licensing violations or Gaming Code Violation.
14. "Distributor" means a Person who distributes Class III Gaming Devices and/or component parts thereof.
15. "Enrolled Tribal Member" means an enrolled member of the Yavapai-Apache Nation whose name appears in the tribal membership roll.
16. "Gaming Activity" or "Gaming Activities" means all forms of Class III gaming owned and operated by the Nation and conducted on the Indian Lands of the Nation.
17. "Gaming Code" or "Code" means this Revised Gaming Ordinance enacted by the Tribal Council of the Yavapai-Apache Nation pursuant to its sovereign and tribal constitutional powers.
18. "Gaming Code Violation" means noncompliance with specific provision or provisions of the Tribal Gaming Code, which is not required to be reported to the State unless it also constitutes a Compact Violation. Gaming Code Violations are handled administratively by the Tribal Gaming Office.
19. "Gaming Device" means a mechanical device, an electro-mechanical device or a device controlled by an electronic microprocessor or another manner, whether that device constitutes Class II Gaming or Class III Gaming that allows a player or players to play games of chance, whether or not the outcome also is affected in some part by skill, and whether the device accepts coins, tokens, bills, coupons, ticket vouchers, pull tabs, smart cards, electronic in-house accounting system credits or other similar forms of consideration and, through the application of chance, allows a player to become entitled to a prize, which may be collected through the dispensing of coins, tokens, bills, coupons, ticket vouchers, smart cards, electronic in-house accounting system credits or other similar forms of value. Gaming Device does not include any of the following:
 - a. Devices that issue and validate paper lottery products and that are directly operated only by Arizona State Lottery licensed retailers and their employees.
 - b. Devices that are operated directly by a lottery player and that dispense paper lottery tickets, if the devices do not identify winning or losing lottery tickets, display lottery winnings or disburse lottery winnings.

- c. Devices that are operated directly by a lottery player and that validate paper lottery tickets for a game that does not have a predetermined number of winning tickets, if:
 - (1) the devices do not allow interactive gaming;
 - (2) the devices do not allow a lottery player to play the lottery for immediate payment or reward;
 - (3) the devices do not disburse lottery winnings; and
 - (4) the devices are not Video Lottery Terminals.
 - d. Player Activated Lottery Terminals.
20. "Gaming Employee" means any person employed as a Primary Management Official or Key Employee of a Gaming Operation of the Nation, and any person employed in the operation or management of a Gaming Operation, including, but not limited to, any person whose employment duties require or authorize access to Restricted Areas of a Gaming Facility not otherwise open to the public.
21. "Gaming Facility" means those buildings or structures in which Class III Gaming Activities, as authorized by the Compact are conducted.
22. "Gaming Facility Operator" means the Nation, an enterprise owned by the Nation, or such other entity of the Nation as the Nation may from time to time designate by written notice to the State of Arizona under the Compact as the wholly-owned tribal entity having full authority and responsibility for the operation and management of Gaming Activities.
23. "Gaming Operation" means any Gaming Activity conducted within any Gaming Facility.
24. "Gaming Services" means providing of goods or services, except for legal services, utilities, and sale of alcohol, to the Nation, in connection with the operation of Class III Gaming in a Gaming Facility, including, but not limited to, equipment, transportation, food, linens, janitorial supplies, maintenance, or security services for the Gaming Facility, in an amount in excess of \$10,000 in any single calendar month.
25. "Gross Receipts" means receipts from the sale of shares, tickets, or rights in any manner connected with participation or the right to participate in Gaming Activities, including, but not limited to any admission fee or charge, the sale of merchandise, refreshments, souvenirs, services, equipment, or supplies, interest earned on deposits, and all other miscellaneous receipts.
26. "Indian Lands" means all lands within the limits of the Yavapai-Apache Nation Reservation and any lands title to which is held in trust by the United States for the benefit of the Yavapai-Apache Nation or a member thereof or held by the Yavapai-Apache Nation or member thereof, subject to restriction by the United States against alienation, and over which the Yavapai-Apache Nation exercises governmental power.

27. "Interactive Terminal" or "Video Lottery Terminal" means an on-line computer or data-processing terminal capable of providing a source of both input and a video display output for the computer system to which it is connected, in which a player is playing against the algorithm of the terminal so that the player is playing directly against the terminal for immediate payment and is immediately rewarded or penalized based on the outcome, and which dispenses a paper receipt which can be redeemed by the player for the player's winnings.
28. "Keno" means a house banking game in which a player selects from one to twenty numbers on a card that contains the numbers one through eighty; the house randomly draws twenty numbers; players win if the numbers they select correspond to the numbers drawn by the house, and the house pays all winners, if any, and collects from all losers.
29. "Key employee" means a Gaming Employee who performs one or more of the following functions:
- a. Counting room supervisor;
 - b. Chief of security;
 - c. Custodian of gaming supplies or cash;
 - d. Floor manager;
 - e. Custodian of Gaming Devices, including Persons with access to cash and accounting records within such devices;
 - f. Bingo caller
 - g. Pit Boss
 - h. Dealer;
 - i. Croupier;
 - j. Approver of credit;
 - k. If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or if not otherwise included, the four most highly compensated persons in the Gaming Operation.
30. "License" or "Gaming License" means an approval issued by the Tribal Gaming Office to any Person to be involved in the Gaming Operation or in providing Gaming Services to the Nation.
31. "Licensee" means any Person who has been licensed by the Tribal Gaming Office to be involved in the Gaming Operation or in the provision of Gaming Services to the Nation.
32. "Licensing Violation" shall mean an infraction of the rules and regulations allowing a person to have a Gaming License with the Nation. Licensing Violations are not Compact Violations, and shall be handled administratively as Gaming Code Violations.
33. "Lotto" is the generic name for a type of on-line lottery game operated by the State of Arizona in which a player selects a group of numbers from a larger field of numbers and wins by matching specific numbers subsequently drawn.

34. "Manufacturer" means any Person that manufactures Gaming Devices and/or component parts thereof as defined by the Compact for use or play in the Gaming Facilities.
35. "Minimum Internal Controls" or "MICS" means the standards designated as such by the Commission, pursuant to 25 USC 2701 et seq.
36. "Nation" means the Yavapai-Apache Nation, a federally recognized Indian Nation.
37. "National Indian Gaming Commission" or "Commission" means the National Indian Gaming Commission established by the Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701-21, 18 U.S.C. §§ 1166-68.
38. "Net Revenues" means the Gross Receipts less the operating expenses, which include but are not limited to wages, management fees, prizes, utilities costs, insurance costs, advertising costs, repair costs, maintenance costs, costs of supplies, security services costs, janitorial services costs, trash removal costs, taxes, rent, lawyers' and accountants' fees, repayment of capital contributions, and such other deductions or charges as may be specifically authorized hereunder.
39. "Non-gaming employee" means any Gaming Employee who works in the Gaming Facility but is not required to be certified by the State pursuant to the Compact or this Code, pursuant to Section 4(b) 1-9 of the Compact.
40. "Non-public area" means any area within the Gaming Facility that requires any badge authorized by TGO.
41. "Occasion" means a gathering at which a Gaming Activity is conducted.
42. "Patron Dispute" means the dispute that occurs whenever the Gaming Facility Operator refuses payment of alleged winnings to a patron or there is otherwise a dispute regarding that patron's wins or losses from Gaming Activity, and the Gaming Facility Operator and the patron are unable to resolve the dispute to the satisfaction of the patron.
43. "Person" includes a natural person, trust, firm, company, association, partnership, society, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever, except that the term "Person" does not include the Nation or the Tribal Council.
44. "Player Activated Lottery Terminal" means an on-line computer system that is player activated, but that does not provide the player with interactive gaming, and that uses the terminal for dispensing purposes only, in which:
 - a. The terminal algorithm is used for the random generation of numbers;
 - b. The tickets dispensed by the terminal do not allow the player the means to play directly against the terminal;

- c. The player uses the dispensed ticket to participate in an off-site random drawing; and
 - d. The player's ability to play against the terminal for immediate payment or reward is eliminated.
- 45. "Premises" means any room, hall, building, enclosure, outdoor, or other area where a Gaming Activity is conducted.
- 46. "Primary Management Official" means the Person having management responsibilities under a Management Contract; or any Person who has authority to hire and fire employees or to set up working policy for a Gaming Operation; or the chief financial officer or other Person who has financial management responsibility for a Gaming Operation.
- 47. "Principal" means with respect to any Person:
 - a. Each of its officers and directors;
 - b. Each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer or general manager;
 - c. Each of its owners or partners, if an unincorporated business;
 - d. Each of its shareholders who own more than ten (10) percent of the shares of the corporation, if a corporation, including a proxy, trustee, agent or delegate authorized to exercise any right of a shareholder of more than ten (10) percent of the shares of the corporation;
 - e. Each person, other than a qualified banking institution insured by the Federal Deposit Insurance Corporation, who has provided financing for the entity constituting more than ten (10) percent of the total financing of the entity; and
 - f. Each of the beneficiaries or trustees of a trust.
- 48. "Probable Cause" means a reasonable ground for belief in certain alleged facts; more than mere suspicion is required.
- 49. "Proposition Player" means a player who receives a salary, wage, or fixed sum from the Gaming Facility Operator for playing in short games (those with empty seats), starting new games or filling in where needed. Although a Proposition Player works for the Gaming Facility Operator, the Proposition Player plays his or her own money, retains his or her winnings and absorbs his or her losses.
- 50. "Refusal of Service" means a written notification by the Gaming Facility Operator to a Person who is disorderly, rude, intoxicated, causing a public disturbance, or engaging in unlawful behavior, which excludes the Person from the Premises for a specified period of time. Refusal of Service is an action by the Gaming Facility Operator which temporarily or permanently bans individuals from the Gaming Facility for such reasons as the Gaming Facility Operator shall determine appropriate.
- 51. "Regulation" or "Gaming Regulation" means a written rule duly promulgated by the Tribal Gaming Office, pursuant to Chapter 11 of this Code, representing the position of the Tribal Gaming Office as to how the Compact, its Appendices, and this Code are

to be interpreted. Gaming Regulations are not laws enacted by the Tribal Council of the Nation and do not have the force or effect of law, unless formally adopted by Resolution of the Tribal Council.

52. "Regulatory Violation" means noncompliance with specific provision or provisions of a Regulation, which violation is not required by the Compact to be reported to the State.
53. "Restricted Area" means all Non-public areas within the Gaming Facility excluding the Secured Areas; examples are administrative offices, team member break room, and team member hallways.
54. "Secured Area" means the following areas within the Gaming Facility: the cashier's cage, count rooms, change booth, change bank/cabinets, Gaming Device repair and storage areas, surveillance, the vault, security offices, Tribal Gaming Office offices, revenue accounting offices, and rooms containing information systems that monitor or control Gaming Activities.
55. "Self-Excluded Person" means a Person who, by acknowledging that he or she is a problem gambler, has voluntarily placed his or her name on the Nation's and/or the State Gaming Agency's self-exclusion list.
56. "State Certification" means the process utilized by the State Gaming Agency to ensure that all Persons required to be certified are qualified to hold such certification in accordance with the provisions of the Compact.
57. "State Gaming Agency" means the agency of the State of Arizona, which the Governor may from time to time designate by written notice to the Nation as the single State agency, authorized to act on behalf of the State under the Compact.
58. "Suspicious Activity" means Unusual Occurrence.
59. "Temporary Exclusion" means an immediate removal of a person from the Gaming Facility by the Tribal Gaming Office employees based on probable cause to believe that the Commission have grounds to permanently bar this patron.
60. "Trespass" means a Person who has unlawfully entered or remained on the Premises in violation of this Code.
61. "Tribal Constitution" means the Constitution of the Yavapai-Apache Nation as amended.
62. "Tribal Council" means the Tribal Council of the Yavapai-Apache Nation, the governing body of the Nation.
63. "Tribal Court" means the judiciary of the Yavapai-Apache Nation.

64. "Tribal Gaming Board" or "Gaming Board of Directors" means the Management Board appointed by the Yavapai-Apache Tribal Council pursuant to the Cliff Castle Casino Board of Directors Act.
65. "Tribal Gaming Office" means the tribal regulatory agency designated by action of the Tribal Council as the entity which shall exercise the civil regulatory authority of the Nation over Class III Gaming Activities pursuant to this Gaming Code.
66. "Unusual Occurrence" means an action or event that is beyond the ordinary and expected behavior of persons in the gaming facility and tends to suggest criminal behavior. Suspicious activity is an Unusual Occurrence.
67. "Wager" means:
 - a. In the case of a Gaming Device, the sum of money placed in the Gaming Device in cash, or cash equivalent, by the player, which will allow activation of the next random play of the Gaming Device.
 - b. In the case of poker, the sum of money placed into the pot and onto the card game table by the player in cash, or cash equivalent, which entitles the player to an initial deal of cards, a subsequent deal of a card or cards, or which is required to be placed into the pot and onto the card game table by the player entitling the player to continue in the game.
 - c. In the case of blackjack, the sum of money in cash, or cash equivalent, placed onto the blackjack table by the player entitling the player to an initial deal of cards and to all subsequent cards requested by the player.
68. "APA" refers to the Yavapai-Apache Administrative Procedures Act, Title 10 of the Yavapai-Apache Nation Tribal Code.

[History: Chapter 2 Revised and Amended by Resolution 55-06]

CHAPTER 3: NOTICE PROVISIONS

Section 301. Notice

(a) Any notice required pursuant to this Gaming Code shall be in writing, unless otherwise specified herein.

[History: Section 301 Revised and Amended by Resolution 55-06]

CHAPTER 4: GAMING POLICY

Section 401. Gaming Activity Prohibited

(a) No Person may operate or conduct any Gaming Activity on the Indian Lands of the Nation except in accordance with the provisions of this Gaming Code and the applicable provisions of the Compact and its appendices.

[History: Section 401 Revised and Amended by Resolution 55-06]

Section 402. Reporting to the Commission

(a) The Gaming Facility Operator, or a Tribal Gaming Office inspector or agent, who becomes aware of any Unusual Occurrences and all violations or suspected violations of the Compact and its appendices shall report it to the Tribal Gaming Office within forty-eight hours.

[History: Section 402 Revised and Amended by Resolution 55-06]

CHAPTER 5: GAMING FACILITY OPERATOR

Section 501. Responsibilities

(a) The Gaming Facility Operator has full responsibility for the on-site operation, management, and security of the Gaming Facility in compliance with this Code and the Compact. The Gaming Facility Operator, through its Tribal Gaming Board of Directors, shall propose reasonable procedures designed to provide for the safety and security of the Gaming Facility.

[History: Section 501 Revised and Amended by Resolution 55-06]

Section 502. Safety and Security

1. The Gaming Facility Operator shall establish and adhere to policies and procedures which provide for the safety and security of its employees and patrons. Copies of these policies shall be provided to the Tribal Gaming Office, but the Tribal Gaming Office shall have no power to amend or revise such policies, or to preclude the Gaming Facility Operator from enforcing them.

a. Refusal of Service. Pursuant to its safety and security policies and procedures, the Gaming Facility Operator may temporarily or permanently exclude individuals from the Gaming Facility and surrounding premises controlled by the Gaming Facility Operator for such reasons and for such period of time as the Gaming Facility Operator, in its sole discretion, shall determine appropriate, including but not limited to individuals who are disorderly, rude, intoxicated, causing a public disturbance or engaging in unlawful behavior.

The Gaming Facility Operator may detain individuals briefly for the purposes of obtaining identification from the individual in connection with the issuance of a written notice of Refusal of Service and may detain individuals who may be involved in illegal activities for the purposes of notifying and summoning appropriate law enforcement authorities. If the Gaming Facility Operator requests that an individual leave the Gaming Facility or the surrounding premises for any reason and the individual refuses to do so, the Gaming Facility Operator may eject the individual using such force as may be necessary under the circumstances or request the Yavapai-Apache Police Department to remove the individual. Any Person wishing to challenge an action by the Gaming Facility Operator under this section may appeal to the Gaming Board of Directors.

b. Surveillance. The Gaming Facility Operator or the Tribal Gaming Office shall establish, maintain and enforce reasonable policies and procedures for surveillance. The Gaming Facility Operator or the Tribal Gaming Office shall operate a surveillance system in all areas of the Gaming Facility in which Gaming Activity is conducted which meets the requirements of Appendix C to the Compact. The Gaming Facility Operator or the Tribal Gaming Office may also, in its discretion, conduct such surveillance in other areas of the Gaming

Facility and its surrounding premises as it deems appropriate to the management and operation of the business and for the protection of the patron's property and the Gaming Facility Operator's property from illegal activity.

[History: Section 502 Revised and Amended by Resolution 55-06]

Section 503. Business Operations

(a) Business Operations Pursuant to the approval of the Tribal Gaming Board, the Gaming Facility Operator shall establish and adhere to policies and procedures which provide for the operation and management of the Gaming Facility, which shall be reviewed and approved by the Tribal Gaming Board. Eleven (11) Copies of these policies shall be provided to the Tribal Gaming Office, but the Tribal Gaming Office shall have no power to amend or revise such policies, or to preclude the Gaming Facility Operator from enforcing them unless such policies and procedures are deemed to be in contravention of this Code, the Compact, or its appendices. In such case, the Tribal Gaming Office shall notify the Tribal Gaming Board of its concerns and shall work cooperatively with the Tribal Gaming Board to resolve such issues.

[History: Section 503 Revised and Amended by Resolution 55-06]

Section 504. Environmental Protection

(a) The Nation shall construct, maintain and operate the gaming Facility in a manner that adequately protects the environment and the public health and safety.

[History: Section 504 Added 05-04-06 and Revised 7-13-06 by Resolution 55-06]

CHAPTER 6: YAVAPAI-APACHE NATION GAMING COMMISSION

Section 601. Structure of Commission

(a) The Yavapai-Apache Nation Gaming Commission is established to oversee the Tribal Gaming Office and to carry out the regulation of Gaming Activities on the lands of the Yavapai-Apache Nation, subject to the provisions of this Gaming Code.

1. Commissioners:

There shall be five (5) Commissioners who are Enrolled Tribal Members appointed by the Tribal Council. Each Commissioner shall serve for a term of five (5) years; provided that, in order to stagger the expiration of terms of office, the first Commissioner appointed shall serve a five-year term, the second Commissioner appointed shall serve a four-year term, and the third Commissioner appointed shall serve a three year term. A Commissioner may serve after the expiration of his or her term of office until a successor has been appointed, unless such Commissioner has been removed for cause under Chapter 601(c) of this Code.

(i) Qualifications:

No Person shall be eligible or qualified to serve or continue to serve as a Commissioner unless he/she meets the following qualifications:

- (A) Must be twenty-one (21) years of age or older;
- (B) Must have never been convicted of a felony, criminal drug offense, gaming offense, or any other criminal conduct which would preclude the person from receiving a Tribal Gaming License;
- (C) Have no financial interest in, or management responsibility for, any Gaming Activity;
- (D) Has not been employed by the Gaming Facility Operator for a six month period immediately preceding appointment as a Commissioner, unless waived by the Tribal Council;
- (E) Has no financial interest in any business or entity which provides Gaming Services to the Nation, or that is a Distributor or Manufacturer of Gaming Devices for the Nation;
- (F) Must qualify for and obtain a valid Class III Gaming License issued by the Tribal Gaming Office and certification by the State Department of Gaming;

(G) May not be a close relative of any other Commissioner (e.g. brother, sister, wife, husband, mother, father; and

(H) May not be a member of the Tribal Council.

(b) Powers and Duties:

The Commission shall regulate Gaming Activity on the Indian Lands of the Nation and within the confines of this Code.

The Commissioners' regulatory powers and duties shall include the following:

1. To regulate the operation or conduct of Gaming Activities on the Indian Lands of the Nation;
2. To cause investigations of alleged violations of this Code;
3. To conduct or cause to be conducted background investigations of Persons required to be licensed by the Compact;
4. To grant, suspend, or revoke Licenses in accordance with this Gaming Code;
5. To have reasonable access to the Premises giving due consideration to the need for such access;
6. To inspect, examine, photocopy, and audit all papers, books, and financial records regarding gross receipts of Gaming Activities conducted in the Gaming Facility, during normal business administration hours, with twenty-four hours written notice;
7. To bring suits in the Tribal Court seeking remedies for violations of this Code;
8. To issue written regulatory opinions, providing at least 15 days for the Gaming Facility Operator to comply with or to challenge the validity of such opinions and/or the authority of the Commission to render such opinions;
9. To enter into contracts pursuant to budgets approved by the Tribal Council, for services or activities necessary to the discharge of the duties of the Tribal Gaming Office under this Gaming Code;
10. To operate the Tribal Gaming Office within the budget approved by the Tribal Council;
11. To establish fees for applications for Licenses and renewals thereof subject to the approval of the Tribal Council;

12. To conduct administrative hearings regarding Licensees and License applicants in accordance with this Code;
13. To conduct hearings concerning Patron Disputes, pursuant to the Compact, whether presented by the Gaming Facility Operator or upon the request of the patron;
14. To require by subpoena the attendance and testimony of witnesses and the production of documents and other physical evidence relating to any hearing before the Commission, and to bring actions in the Tribal Court for the enforcement of such subpoenas;
15. To administer oaths and affirmations to witnesses appearing at a hearing before the Commission;
16. To keep minutes, records, and books containing the true, faithful, and correct record of all proceedings before the Commission;
17. To make recommendations for hiring of staff to the Nation's Human Resources department;
18. Subject to the applicable notice and comment provisions of Section 1102 of this Code, to promulgate regulations to implement the provisions of this Gaming Code;
19. To submit quarterly and annual reports to the Tribal Council on the activities of the Tribal Gaming Office, such report to include financial information and regulatory activities; and
20. To delegate responsibility to Tribal Gaming Office employees to detain individuals who may be involved in illegal activities, for purpose of notifying and summoning appropriate law enforcement authorities.

(c) Removal:

A Commissioner may be involuntarily removed from office before the expiration of his or her term in accordance with the following procedures:

1. A member of the Tribal Council, or a majority of the current Commissioners, shall initiate the removal of a Commissioner by submitting a written request to the Tribal Council, specifying the factual basis of the request for removal;
2. The cause for removal shall be limited to:
 - (i) failure to meet or maintain the qualifications for Commissioners set forth in Section 601(a)(1)(i) of this Code, or

(ii) gross neglect of duty as defined in the Nation's Human Resources policies or malfeasance in office.

3. Not less than twenty (20) nor more than thirty (30) days following receipt of the request for removal, the Tribal Council shall determine whether Probable Cause appears to convene an administrative hearing for the purpose of determining if cause exists for removal of the Commissioner;

4. If the Tribal Council determines that Probable Cause exists, the Commissioner shall be given written notice and a full opportunity, either in person or through a representative of his or her choice, to answer or otherwise respond to any and all charges against him or her at an administrative hearing; and

5. If the Tribal Council determines by majority vote that removal for cause has been established by a preponderance of the evidence, the Tribal Council shall remove the Commissioner.

(d) Resignations and Vacancies. Any Commissioner may resign at any time by giving written notice of such to the Secretary of the Commission and to the Secretary of the Tribal Council. The resignation shall become effective at the time specified in such notice. Any Commissioner vacancy, however caused, shall be filled for the unexpired portion of the vacated Commissioner's term by another qualified person appointed by the Tribal Council.

(e) Motions and Resolutions; Meetings; Quorum. All official actions of the Commission shall be taken by motion or resolution approved by the affirmative vote of a majority of the Commissioners. In the case of an emergency, the Commissioners may participate in meetings via electronic communications, whereby, each Commissioner can hear and speak to the other Commissioners in real time.

1. Executive Director:

The Tribal Council shall hire an Executive Director of the Tribal Gaming Office who shall serve as the formal liaison to the person holding the similarly titled position with the State Gaming Agency and have overall responsibility for the administrative functions of the Tribal Gaming Office. The Executive Director shall be a salaried full time employee of the Nation, subject to the Nation's Human Resources policies and shall devote his/her full efforts and diligence to the position.

2. Duties and Responsibilities:

(i) To oversee the daily operations of the Tribal Gaming Office and to supervise its staff;

- (ii) To issue notices of alleged violations of the Compact and Code, and any duly promulgated Regulations in accordance with the due process procedures in Chapter 7, Section 718, and Chapter 9;
- (iii) To issue new identification cards to employees who transfer positions within the Gaming Facility within 48 hours, except where the employee is transferring from a non-gaming position to a position as a Gaming Employee;
- (iv) To temporarily suspend Gaming Licenses pending formal action by the Commission pursuant to Chapter 7 of this Code;
- (v) To ensure that adequate numbers of Tribal Gaming Office. Inspectors are on duty in areas where Gaming Activity is occurring at all times; and
- (vi) To keep the Commission fully informed of Tribal Gaming Office operations and to carry out such other regulatory duties and responsibilities as are delegated by the Commission pursuant to this Code.

3. Tribal Gaming Office Staff:

The Tribal Gaming Office shall employ sufficient staff members to carry out the regulatory functions of the Tribal Gaming Office. Staff members shall be hired and employed in accordance with the Nation's Human Resource policies, and shall report to the Executive Director of the Tribal Gaming Office.

4. Qualifications:

- (i) All staff, with the exception of clerical employees, must be at least 21 years of age;
- (ii) Must have high school diploma or GED;
- (iii) Must qualify for and obtain valid Class III Gaming License and certification issued by the Arizona State Department of Gaming.
- (iv) Must not have been employed by the Gaming Facility Operator for a six-month period immediately preceding, unless waived by the Tribal Gaming Board.

[History: Section 601 Revised and Amended by Resolution 55-06]

Section 602. Right of Inspection

(a) As required by the Compact, the Premises where any Gaming Activity is being operated or conducted, or where it is intended that Gaming Activity will be operated or conducted, shall at all times be open to immediate inspection by the Tribal Gaming Office and its agents and employees, pursuant to Regulations duly promulgated by the Commission.

[History: Section 602 Revised and Amended by Resolution 55-06]

CHAPTER 7: LICENSE FOR OPERATING AND CONDUCTING GAMING ACTIVITY

Section 701. Gaming Facility Operator and Gaming Vendors

(a) The Gaming Facility Operator, including its Principals, Primary Management Officials, and Key Employees; Manufacturers and Distributors of Gaming Devices; and each Person providing Gaming Services, within or without a Gaming Facility, shall apply for and receive a License from the Tribal Gaming Office and where applicable, shall be certified by the State Gaming Agency, before their participation in any way in the operation or conduct of any Gaming Activities on the Indian Lands of the Nation. A separate License shall be required for each location of a Gaming Facility. Utility Companies that are the sole available source of any particular service to the Gaming Facility are not required to be certified by the State Gaming Agency.

[History: Section 701 Revised and Amended by Resolution 55-06]

Section 702. Gaming Employees

(a) Every Gaming Employee shall apply for and receive a License from the Tribal Gaming Office Section prior to commencement of employment.

[History: Section 702 Revised and Amended by Resolution 55-06]

Section 703. Non-Gaming Employees

(a) Non-Gaming Employees. Non-gaming employees must hold special non-gaming licenses issued by the Tribal Gaming Office. These include the following positions, so long as they do not have unescorted access to Secure Areas:

1. Food and beverage service personnel such as chefs, cooks, waiters, waitresses, bus persons, dishwashers, food and beverage cashiers, and hosts;
2. Gift shop managers, assistant managers, cashiers, and clerks;
3. Greeters;
4. Landscapers, gardeners, and groundskeepers;
5. Maintenance, cleaning, and janitorial personnel;
6. Stewards and valets;
7. Wardrobe personnel;
8. Warehouse personnel; and

9. Hotel personnel.

[History: Section 703 Revised and Amended by Resolution 55-06]

Section 704. Lodge Employees

(a) Employees who work exclusively at the Cliff Castle Lodge and Conference Center and the Gathering Restaurant are not required to be licensed by the State or the Tribal Gaming Office, so long as they provide no services within the Gaming Facility and do not have access to restricted areas.

[History: Section 704 Revised and Amended by Resolution 55-06]

Section 705. Tribal Gaming Office Employees and Commissioners

(a) All Tribal Gaming Office employees, including the Commissioners, are required to be licensed through the Nation and certified by the State.

[History: Section 705 Revised and Amended by Resolution 55-06]

Section 706. Utilization of Gaming Employees

(a) When the needs of the business dictate, the Gaming Facility Operator may utilize any Gaming Employee holding a valid license in any other position within the Gaming Facility without requiring a new license from the Tribal Gaming Office as long as that employee has authorized access to areas required by the other position.

[History: Section 706 Revised and Amended by Resolution 55-06]

Section 707. License Application

(a) Each Applicant for a License shall file with the Tribal Gaming Office a written application in the form prescribed by the Commission along with the Applicant's fingerprint card, current photograph, and the fee required by the State Gaming Agency and Tribal Gaming Office. For purposes of these requirements, the Yavapai-Apache Nation Tribal Gaming Office is hereby identified as the law enforcement agency that processes the fingerprints and forwards them to the Arizona Department of Public Safety, as set forth in 25 C.F.R. 522.2(b). The Applicant may not withdraw an application without the permission of the Tribal Gaming Office. Copies of all license application materials shall be provided to the Applicant, upon his/her request.

1. The following notice shall be placed on the application form for a Key Employee or a Primary Management Official before that form is filled out by an Applicant:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. §§ 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a Gaming Operation. The information will be used by members and staff of the Yavapai-Apache Nation Tribal Gaming Office and the National Indian Gaming Commission who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, tribal, state, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal, or regulatory investigations or prosecutions or when, pursuant to a requirement by a tribe or the National Indian Gaming Commission, the information is relevant to the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a Gaming Operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position with a tribal gaming enterprise. The disclosure of your Social Security Number ("SSN") is voluntary. However, failure to supply a SSN may result in errors in processing your application.

2. The following notice shall also be placed on the application form for a Key Employee or a Primary Management Official before that form is filled out by an Applicant:

A material false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment pursuant to 18 U.S.C. § 1001.

3. The Tribal Gaming Office shall request from each Applicant, and from each Principal, Primary Management Official, and Key Employee of each Applicant, all of the following information:

(i) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, and all languages spoken or written;

(ii) Currently and for the previous five (5) years, business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers; provided that all Applicants who are a Primary Management Official, Key Employee, Manufacturer and Supplier of Gaming Devices, and/or a Person providing Gaming Services, must provide such information currently and from the age of eighteen;

(iii) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the Applicant during each period of residence listed in Section 7(D)(2)(b) of this Code;

- (iv) Current business and residence telephone numbers;
- (v) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses, and a description of any potential or actual conflict of interest between such businesses and Indian tribes;
- (vi) A description of any existing and previous business relationships in the gaming industry, including ownership interests in those businesses;
- (vii) The name and address of any licensing or regulatory agency with which in the Person has filed an application for a License related to gaming, whether or not such License was granted;
- (viii) For each felony for which there is an ongoing prosecution or a conviction, the charge, the date of the charge, the name and address of the court involved, and the disposition, if any;
- (ix) For each misdemeanor for which there is an ongoing prosecution or conviction (excluding minor traffic violations), the charge, the date of the charge, the name and address of the court involved, and the disposition, if any;
- (x) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is not otherwise listed pursuant to Section 707 (a)(3)(vii) or 707(a)(3)(ix) of this Code, the criminal charge, the date of the charge, the name and address of the criminal involved, and the disposition, if any;
- (xi) The name and address of any licensing or regulatory agency with which the Person has filed an application for an occupational license, as an Applicant, Primary Management Official, or Key Employee, and whether or not such license was granted;
- (xii) A current photograph;
- (xiii) Any other information the Commission deem relevant;
- (xiv) Fingerprints consistent with procedures adopted by the Nation according to 25 C.F.R. § 522.2(h). For purposes of this section, the Yavapai-Apache Nation Tribal Gaming Office is hereby identified as the law enforcement agency that processes the fingerprints and forwards them to the Arizona Department of Public Safety, as set forth in 25 C.F.R. 522.2(b); and

(xv) The fee required by the State Gaming Agency and the Tribal Gaming Office.

[History: Section 707 Revised and Amended by Resolution 55-06]

Section 708. Background Investigations

(a) Upon receipt of a completed application and required fee for licensing, the Tribal Gaming Office shall conduct, or cause to be conducted a background investigation to determine whether the Applicant is qualified for licensing.

(b) In conducting a background investigation, the Tribal Gaming Office shall promise to keep confidential the identity of each Person interviewed in the course of the investigation, except as otherwise authorized by law.

[History: Section 708 Revised and Amended by Resolution 55-06]

Section 709. Temporary Gaming License

(a) Employees requiring State Certification. Within twenty (20) days of the receipt of a completed application for licensing, and upon request of an Applicant or the Gaming Facility Operator, the Tribal Gaming Office shall request from the State Gaming Agency the issuance of a temporary License to the Applicant unless the background investigation undertaken discloses that the Applicant has a criminal history, or unless other grounds sufficient to disqualify the Applicant are apparent on the face of the application. The temporary License shall become void and be of no effect upon either (1) the issuance of the license; or (2) the issuance of a notice of denial, in accordance with the Compact and this Code.

(b) Employees not requiring State Certification. Within ten (10) days of the receipt of a completed application for licensing and upon the request of an Applicant or the Gaming Facility Operator, the Tribal Gaming Office shall issue a temporary License to the Applicant unless the background investigation undertaken discloses that the Applicant has a criminal history, or unless other grounds sufficient to disqualify the Applicant are apparent on the face of the application. The temporary License shall become void and be of no effect upon either (1) the issuance of the license or; (2) the issuance of a notice of denial in accordance with the Compact and this Code.

[History: Section 709 Revised and Amended by Resolution 55-06]

Section 710. Eligibility Determination

(a) The Commission shall review a Person's prior activities, criminal record, if any, and reputation, habits, and associations to make a determination concerning the eligibility of an Applicant, Key Employee or Primary Management Official of an Applicant, for employment or involvement in a Gaming Operation. Upon completion of the investigation, the Commission shall either issue a License or deny the application.

(b) If the Commissioners determine that employment or involvement of the Person or Applicant poses a threat to the public interest or to the effective regulation of a Gaming Activity, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of Gaming Activities, the Commission shall deny the application. If the Commissioners deny an application, the Commission shall forward to the State Gaming Agency, together with all documents relied on, a statement setting forth the grounds of denial.

(c) Pursuant to the Compact, the State Gaming Agency also shall conduct a background investigation of all Applicants and shall provide the Commission with a written recommendation as to whether the Commission should License the Applicant. If the Nation or Tribal Gaming Office takes any action with respect to a License despite a State recommendation to the contrary, the Nation or Commission shall afford the State an opportunity for a hearing before an appropriate Tribal forum to contest the Nation's or Commission' licensing decision. If the Tribal forum upholds a licensing decision of the Nation or Commission contrary to the State Gaming Agency's recommendation, the State Gaming Agency may appeal to an independent three member tribunal by providing written notice to the Nation or Tribal Gaming Office consistent with the Compact.

[History: Section 710 Revised and Amended by Resolution 55-06]

Section 711. Additional Background Investigations

(a) The Tribal Gaming Office retains the right to conduct additional background investigations of any Person required to be licensed at any time while the License is valid.

[History: Section 711 Revised and Amended by Resolution 55-06]

Section 712. Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission.

(a) When a Key Employee or Primary Management Official begins work at a Gaming Operation authorized by this Gaming Code, the Commission shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to herein.

(b) The Commission shall forward the report referred to in Section 712(a) of this Chapter to the National Indian Gaming Commission within sixty (60) days after an employee begins work or within sixty (60) days of the approval of this Gaming Code by the Chairman of the National Indian Gaming Commission.

(c) The Gaming Operation shall not employ as a Key Employee or Primary Management Official a Person who does not have a License after ninety (90) days of his or her commencement of work at the Gaming Operation or who does not have a validly extended temporary license.

[History: Section 712 Revised and Amended by Resolution 55-06]

Section 713. Report to the National Indian Gaming Commission

(a) Pursuant to the procedures set out in Section 708 of this Code, the Commission shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:

1. Steps taken in conducting the background investigation;
2. Results obtained;
3. Conclusions reached; and
4. The bases for those conclusions.
5. The Commission shall submit with the report a copy of the eligibility determination made under Section 710.
6. If a License is not issued to an Applicant, the Commission;
 - (i) Shall notify the National Indian Gaming Commission; and
 - (ii) May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals' Records System.
7. With respect to Key Employees and Primary Management Officials, the Commission shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.
8. If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Commission that it has no objection to the issuance of a License pursuant to a License application filed by a Key Employee or a Primary Management Official for whom the Commission have provided an application and investigative report to the National Indian Gaming Commission, the Commission may issue a License to such Applicant.
9. The Commission shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a Key Employee or a Primary Management Official who is the subject of a report. Such a request shall suspend the 30-day period under Section 713 of this Code until the Chairman of the National Indian Gaming Commission receives the additional information.

10. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Commission with a statement itemizing objections to the issuance of a License to a Key Employee or to a Primary Management Official for whom the Commissioners have provided an application and investigative report to the National Indian Gaming Commission, the Commission shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission and make a final decision whether to issue a License to Applicant.

[History: Section 713 Revised and Amended by Resolution 55-06]

Section 714. Duration and Renewal of Tribal Licenses

(a) Any Tribal License or State Certification shall be effective for one (1) year from the date of issuance, except that Tribal licenses and State Certifications for financiers, Manufacturers and Distributors of Gaming Devices, and Persons providing Gaming Services, shall be effective for two (2) years from the date of issuance. A licensed or certified employee or Person that has applied for renewal may continue to be employed or engaged under the expired License or State Certification until action is taken on the renewal application by the Nation or Tribal Gaming Office, as applicable, or the State Gaming Agency. Applicants for renewal of a License or State Certification shall provide updated material as requested, on the appropriate renewal forms, to both the Nation or the Tribal Gaming Office, as applicable, and the State Gaming Agency, consistent with the provisions of the Compact, but shall not be required to resubmit historical data already available to the Nation or the Tribal Gaming Office, or the State Gaming Agency. Additional background investigations shall not be required of Applicants for renewal unless new information concerning the Applicant's continuing eligibility for a License or a State Certification is discovered.

[History: Section 714 Revised and Amended by Resolution 55-06]

Section 715. Employee Standards

(a) The issuance of a License by the Tribal Gaming Office does not create or imply a right of employment or continued employment. The Tribal Gaming Office and the Gaming Facility Operator shall not employ, and if already employed, shall terminate, a Tribal Gaming Office employee or Gaming Employee if it is determined by the Commission that the Applicant:

1. Has been convicted of any felony or gaming offense;
2. Has knowingly and willfully provided materially important false statements or information or omitted materially important information on his or her employment application or background questionnaire; or

3. Is determined to be a person whose prior activities, criminal record if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, and methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto.

[History: Section 715 Revised and Amended by Resolution 55-06]

Section 716. Obligation to Disclose Possible Grounds for Denial, Suspension, Revocation or Non-Renewal; Obligation to Disclose Change of Principals.

(a) After an Applicant has first submitted an application to the Tribal Gaming Office or has been licensed by the Tribal Gaming Office, such Person shall have an ongoing and affirmative obligation to promptly and in writing disclose to the Tribal Gaming Office any subsequent grounds for revocation, suspension, denial or non-renewal of such Person's license including, but not limited to, those grounds set forth at Section 717 of this Code.

(b) After any Applicant who is not a natural person is licensed by the Tribal Gaming Office, such entity shall file a report of each change of its Principals with the Tribal Gaming Office and the State Gaming Agency. Each new Principal shall file a complete application within (30) days after the change of Principal takes place, regardless of whether the change occurs by appointment, election, or some other means. The Tribal Gaming Office shall forward a copy of the application to the State Gaming Agency. The entity's License shall remain valid unless the Tribal Gaming Office disapproves the change or denies the application. Pursuant to the Compact, the entity's certification also shall remain valid unless the State Gaming Agency disapproves the change or denies the application.

[History: Section 716 Revised and Amended by Resolution 55-06]

Section 717. Grounds for Revocation, Suspension, Denial or Non-Renewal

(a) The Commission may revoke, suspend, deny or refuse to renew a License when the Applicant or Licensee:

1. Has been determined by the National Indian Gaming Commission to not be eligible for employment. If, after a License has been issued, the Tribal Gaming Office receives reliable information from the National Indian Gaming Commission that a Key Employee or Primary Management Official is not eligible for employment, the Commission shall suspend such License and shall notify in writing the Licensee of the suspension and the proposed revocation. After a revocation hearing, the Commission shall decide to revoke or to reinstate the Gaming License, and it shall notify the National Indian Gaming Commission of its decision;

2. Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by any provision of this Gaming Code, the Compact or its appendices, or any provision of any Regulation duly promulgated under Chapter 11 of this Code, or when any such violation has occurred upon any premises occupied or operated by any such Person or over which he or she has substantial control;
3. Knowingly causes, aids, abets, or conspires with another to cause any Person to violate any of the laws of the Nation, rules of the State Gaming Agency, provisions of this Gaming Code, the Compact or its appendices, or any Regulation duly promulgated under this Code;
4. Has obtained a tribal License or State Certification by fraud, misrepresentation, concealment or through inadvertence or mistake;
5. Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payment or reports to any tribal, state or United States governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of the Nation, or any state of the United States, or of any crime, whether a felony or misdemeanor, involving any Gaming Activity or physical harm to individuals or moral turpitude;
6. Makes a misrepresentation of, or fails to disclose a material fact to the Nation, Tribal Gaming Office or State Gaming Agency;
7. Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this Section;
8. Is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses included under this Section of this Code; provided, that at the request of any Applicant, the Commissioners may defer decision upon the application during the pendency of such prosecution or appeal;
9. Has had a Gaming License issued by any state or tribe in the United States revoked, suspended, denied or refused renewal;
10. Has demonstrated a willful disregard for compliance with gaming regulatory authority in any jurisdiction, including suspension, revocation, denial of an application or forfeiture of license;
11. Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal laws of the Nation or the State if such pursuit creates Probable Cause to believe that the participation of such person in gaming or related activities would be detrimental to the proper operation of an authorized gaming or related, activity on the Indian Lands of the Nation. For purposes of this paragraph, occupational manner or context

shall be defined as the systematic planning, administration, management or execution of an activity for financial gain;

12. Is a career offender or a member of a career offender organization or an associate of a career offender or career offender organization in such a manner which creates Probable Cause to believe that the association is of such a nature as to be detrimental to the proper operation of the authorized gaming or related activity on the Indian Lands of the Nation. For the purposes of this paragraph, career offender shall be defined as any Person whose behavior is pursued in an occupational manner or context for the purposes of economic gain utilizing such methods as are deemed criminal violations of Tribal law, Federal law or the laws and the public policy of this State. A career offender organization shall be defined as any group of Persons who operate together as career offenders;

13. Is a Person whose prior activities, criminal record, if any, reputation, habits and associations pose a threat to the public interest of the Nation creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and activities in the conduct of Gaming Activity or the carrying on of the business and financial arrangements incidental thereto;

14. Fails to keep sufficient books and records to substantiate the reports required by this Gaming Code or falsifies any books and records related to any Gaming Activity;

(b) Emergency suspension. If in the judgment of the Commission, the public interest, the effective regulation and control of Gaming Activities, or the safe, fair and honest conduct of Gaming Activities so require, the Commission may suspend a License immediately subject to the holding of a due process hearing as described herein. Such suspension shall take effect upon Service of the Notice as provided in Section 718(b) of this Code on the Licensee.

(c) Immediate confiscation of license/badge. Only in the case of suspected criminal activity may the Executive Director or Tribal Gaming Office immediately confiscate a license/badge prior to an order of Emergency Suspension by the Commissioners pursuant to Section 717(b).

[History: Section 717 Revised and Amended by Resolution 55-06]

Section 718. Licensee's Right to Due Process in Proceedings to Suspend, Revoke or Non-Renew a Tribal Gaming License.

(a) A Licensee has a property interest in his/her Tribal Gaming License which may not be suspended, revoked or non-renewed by the Commission without due process. Such property interest is protected by the Yavapai-Apache Nation Constitution.

(b) Due Process Notice Procedures. Following its investigation, but prior to suspending, revoking, or non-renewing a Gaming License, the Commission shall provide a Notice of Intent to Suspend, Revoke, or Non-renew to the Licensee. Such Notice shall be based on Probable Cause, shall set forth the applicable grounds for suspension, revocation or

non-renewal pursuant to Section 717 of this Code and shall state the specific facts giving rise to the alleged violations thereof. The Notice shall also specify a time, place and date for a preliminary administrative hearing to be held before the Commission not less than twenty(20) days after the Licensee receives the notice, unless the Licensee requests a later date, which request shall not be unreasonably refused. Service shall be by personal hand delivery to the Licensee or by certified mail, return receipt requested, to the Licensee at the address shown upon the records of the Tribal Gaming Office. A copy shall be provided to the Tribal Gaming Board and to the Gaming Facility Operator.

(c) Access to evidence. The Licensee shall have immediate access to and be entitled to copies of all documents, reports, tapes, or other evidence relied upon by the Commission prior to the preliminary administrative hearing. The Licensee may provide a written Response, setting forth any denials or defenses to the allegations at least five (5) days prior to the preliminary administrative hearing. The Licensee may be accompanied by Counsel or another representative of his/her choice.

(d) Preliminary Administrative Hearing. The Preliminary Administrative Hearing shall be recorded electronically or stenographically and the records shall be maintained for six months or until all appeals have been exhausted. The Commission shall fairly consider the evidence presented by the Licensee, including documentary or testimonial evidence. The burden of proof shall be on the Commission to show by a preponderance of the evidence that the License should be suspended, revoked or non-renewed.

(e) Decision by Commission. The Commissioners shall issue their final decision in writing within twenty (20) days following the Preliminary Administrative Hearing. Based on the evidence presented, the Commission may:

1. Dismiss the charges; or
2. Condition dismissal of the charges on the Licensee taking specified corrective action within a stated time period; or.
3. Issue a Final Decision to Suspend, Revoke or Non-renew the License.

(f) Additional Sanctions. Upon its determination to suspend or revoke a License the Commission, in addition to any other penalties that may be imposed, may declare the Licensee ineligible to operate or conduct Gaming Activity, to participate, directly or indirectly, in the operation or conduct of Gaming Activity, or to apply for a License for a period not exceeding twenty-four (24) months. Such declaration of ineligibility may be extended to include any Principals, owners, officers, or directors of the Licensee, and any of its subsidiary organizations, parent organizations, or affiliates.

(g) Licensee's Right to Appeal:

1. APA Review of Commission' Final Decision. A Licensee may appeal an adverse final licensing decision of the Commission to the Nation's APA Board, as provided in the Yavapai-Apache Nation Administrative Procedures Act. The APA Board shall hold an evidentiary hearing and may affirm, reverse, vacate or modify the final licensing decision; provided that the Board shall

affirm the decision of the Commission unless such decision is arbitrary, capricious, or otherwise in contravention of applicable law.

2. Time Limits. An appeal of a final decision to suspend, revoke or non-renew a Gaming License must be filed in writing within ten (10) days after receipt of said decision by the Licensee.

[History: Section 718 Revised and Amended by Resolution 55-06]

CHAPTER 8: EMPLOYMENT GUIDELINES

Section 801. Qualifications for Employment and Consent to Testing

(a) Employees of the Gaming Facility Operator and Tribal Gaming Office shall be of good moral character, shall not have been convicted of any felony or gaming offense, and, as a condition of their contract of employment, shall agree to any lawful means of testing for truthfulness, including but not limited to polygraph testing, at any time and without prior notice, concerning the handling, collection, and/or disbursement of gross receipts, and to any lawful drug testing. No Person shall be employed whose prior activities, criminal record if any, reputation, habits, or associations pose a threat to the public interest or to the effective regulation and control of Gaming Activities, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the operation or conduct of Gaming Activities or the carrying on of the business and financial arrangements incidental thereto.

[History: Section 801 Revised and Amended by Resolution 55-06]

Section 802. Preference in Employment

(a) Members of the Nation who meet the minimum required qualifications for employment shall be given absolute preference with respect to hiring and promotions for positions with the Gaming Facility Operator and Tribal Gaming Office. Preference shall be based on the following criteria and shall be given in the following order:

1. Enrolled Tribal Members;
2. Spouses or children of Enrolled Tribal Members;
3. Enrolled members of other recognized Native American Tribes;
4. Veterans; and
5. All other Persons.

[History: Section 802 Revised and Amended by Resolution 55-06]

Section 803. Personnel Policies

(a) The Gaming Facility Operator shall maintain written personnel policies that shall be provided to each employee. The Tribal Gaming Office shall operate under the Nation's written personnel policies.

[History: Section 803 Revised and Amended by Resolution 55-06]

Section 804. Hiring and Training of Employees

(a) The Gaming Facility Operator and the Tribal Gaming Office shall provide appropriate and timely training to their employees. The Gaming Facility Operator shall train all employees who are Enrolled Tribal Members and their spouses and children pursuant to written training programs containing specified time lines to allow such employees to acquire the experience and skills necessary to become managers and supervisors in Gaming Activities.

[History: Section 804 Revised and Amended by Resolution 55-06]

Section 805. Expenses of Training Employees

(a) The expense of providing training to employees of the Gaming Facility Operator shall be an operating expense of the Gaming Facility Operator and the expense of providing training to employees of the Tribal Gaming Office shall be an operating expense of the Tribal Gaming Office.

[History: Section 805 Revised and Amended by Resolution 55-06]

Section 806. Identification

(a) All employees of the Gaming Facility Operator, and all employees of the Tribal Gaming Office shall wear in plain view, identification cards issued by the Tribal Gaming Office which shall, at a minimum, include a photograph, first and last name, an identification number unique to the individual Tribal License, the Nation's seal, and a date of expiration. The Gaming Facility Operator shall have responsibility for preparing and issuing visitors badges.

[History: Section 806 Revised and Amended by Resolution 55-06]

Section 807. Prohibition Against Employees Playing

(a) Commissioners and employees of the Tribal Gaming Office shall not play any Class II or Class III Gaming in any Gaming Facility owned by the Nation. Employees of the Gaming Facility Operator may play Class II and Class III Gaming pursuant to procedures established by the Gaming Facility Operator, except that:

1. No Person who is employed by the Security Department, Information Technology or the Surveillance Department may, at any time, play any Class II or Class III Gaming;
2. No card room supervisor or management employee shall be permitted to place a Wager in any game of poker operated by the Gaming Facility Operator, except that, so long as the Nation operates no more than ten poker or Jackpot poker tables at one time, an on-duty floor person may act as a Proposition Player pursuant to procedures established by the Gaming Facility Operator and approved by the Commission and the State Gaming Agency, when such play by the floor person is necessary to keep a poker game operating; and
3. No Gaming Employee shall make a Wager in any blackjack game operated by the Gaming Facility Operator.

[History: Section 807 Revised and Amended by Resolution 55-06]

Section 808. Prohibition Against Self-Dealing

(a) Commissioners, Tribal Gaming Board members. Gaming Employees and employees of the Tribal Gaming Office shall not:

1. Accept any form of incentive, tip or other thing of value from any patron or guest, or any Distributor, Gaming Service provider, Manufacturer, fellow employee or any other Person, except that employees of the Gaming Facility Operator may accept such incentive, tip or other thing of value where it is specifically made permissible under the Compact and its appendices or this Code;
2. Use their position as Gaming Employee, Tribal Gaming Board member, Commissioner or employee of the Tribal Gaming Office for personal gain or to obtain a benefit or other thing of value for any other Person, including, but not limited to, members of the employee's family or friends or fellow employees.

[History: Section 808 Revised and Amended by Resolution 55-06]

CHAPTER 9: NOTICE OF VIOLATIONS AND DUE PROCESS FOR AGGRIEVED PERSONS

Section 901. Investigation Responsibilities

(a) The Tribal Gaming Office has the responsibility for investigating Compact Violations, Gaming Code Violations and internal Regulatory Violations, when such investigation is reasonably necessary to ensure the integrity of gaming, the protection of persons and property, and compliance with the Compact and its Appendices, this Gaming Code, and Regulations duly promulgated pursuant to Chapter 11 of this Code.

[History: Section 901 Revised and Amended by Resolution 55-06]

Section 902. Notice Procedures

(a) The Tribal Gaming Office shall serve written notice on the Person who caused the alleged violation, with copies to the Department Director, the General Manager of the Gaming Facility Operator, and the Tribal Gaming Board.

(b) The notice shall specify whether it is a Compact Violation, which is also reported to the State, or a Gaming Code Violation or Internal Regulatory Violation, which is not reported to the State. The notice shall also set forth the specific facts giving rise to the alleged violation, which the Commissioners have Probable Cause to believe the Person has committed and shall cite the applicable provisions of the Compact, the Gaming Code, or the applicable Regulation.

(c) The Commission shall include in the notice any recommended courses of action to resolve the alleged violation and a reasonable time period to take corrective action.

(d) In the case of a Compact Violation which is reported to the State, the Commission shall file a follow-up report with the State, indicating the corrective action taken, with a copy to the Tribal Gaming Board.

[History: Section 902 Revised and Amended by Resolution 55-06]

Section 903. Hearing Procedures

(a) Any Aggrieved Person upon receiving a written notice of violation under this section may request in writing, within 10 days, a due process hearing in front of the Commission. The Commissioners shall notify the Aggrieved Person of the place and date of a hearing, such date to be not more than thirty (30) days after receiving such request. The Aggrieved Person may request a different hearing date, which request shall not be unreasonably refused.

(b) In the request for hearing, the Aggrieved Person shall inform the Commission whether he/she desires to present evidence. At the request of the Aggrieved Person, or on its own motion, the Commission shall issue subpoenas for the attendance of witnesses and for the production of papers, books, records, and documents. At least five days prior to the hearing date, the Commission and the Aggrieved Person shall exchange a list of the witnesses and exhibits to be used at the hearing.

[History: Section 903 Revised and Amended by Resolution 55-06]

Section 904. Hearing; Written Decision

(a) The Commission shall hold a hearing, which shall be recorded electronically or by stenographic means. The Aggrieved Person shall be allowed to present testimonial and/or documentary evidence, which shall be fairly considered by the Commission. The burden of proof shall be on the Aggrieved Person to show by a preponderance of evidence why the violation should be withdrawn.

(b) The Commission shall issue their written decision, including findings of fact supporting their decision, within thirty (30) days of the hearing and shall immediately notify the Aggrieved Person, and the Department Director, if applicable, by certified mail or personal delivery.

(c) In the event the Commissioners decide to rescind a Compact Violation, a copy of their written decision shall also be sent to the State Gaming Agency. The records of the hearing shall be maintained for a minimum of six months or until all appeals have been exhausted.

[History: Section 904 Revised and Amended by Resolution 55-06]

Section 905. Review of Commission Ruling

(a) An Aggrieved Person may appeal an adverse final ruling to the APA Board as provided in Title 10, the Yavapai-Apache Nation Administrative Procedures Act.

[History: Section 905 Revised and Amended by Resolution 55-06]

CHAPTER 10: JURISDICTION OF THE TRIBAL COURT

Section 1001. Jurisdiction: Who may Initiate Action

(a) Except as otherwise provided in this Gaming Code, the Tribal Court shall have exclusive jurisdiction over all matters concerning the administration and enforcement of this Gaming Code, provided, however, that nothing in this Gaming Code is intended nor shall it be construed to preclude prosecution in Federal Court pursuant to the Indian Gaming Regulatory Act, as may be amended from time to time, or any regulations promulgated there under or any other applicable Federal or Tribal law, or to authorize or require the exercise of criminal jurisdiction over non-Indians except to the extent allowed by any applicable present or future act of Congress or any applicable Federal court decision.

(b) An action in Tribal Court may be initiated by the Nation, the Commission, the Gaming Facility Operator or the Tribal Gaming Board.

[History: Section 1001 Revised and Amended by Resolution 55-06]

Section 1002. Actions Initiated by the Commission

(a) Enforcement of Commission Subpoenas. If a Person subpoenaed by the Commission to attend or to produce books, accounts, records, or other documents in any investigation or hearing conducted by the Commission fails to obey the command of the subpoena without reasonable cause, or if a Person in attendance at any hearing or investigation refuses without lawful cause to be examined, to answer a legal and pertinent question, or to exhibit any book, account, record, or other document when ordered to do so by the representative of the Commission conducting such investigation or hearing, the Commission may apply to the Tribal Court for an order returnable in not less than five (5) nor more than ten (10) days directing the Person to show cause why he or she should not comply with such subpoena or order, or for the issuance of a subpoena by the Tribal Court. For purposes of this Gaming Code, no Person shall be excused from testifying or producing any books, accounts, records, or other documents in any investigation or hearing on the ground that such testimony or documentary evidence may tend to incriminate him or her, if the Commission or the Tribal Court agree in writing that such Person shall not be prosecuted, punished, or subjected to any penalty or forfeiture resulting from such testimony or production, provided that no Person shall be exempt from prosecution or punishment for any act of perjury committed by him or her under a grant of immunity under this subsection.

(b) Action for Court Enforcement by Commission. The Commission may, based on reasonable grounds or on reliable complaint made, and after written notice giving the Gaming Facility Operator thirty (30) days to cure an alleged violation of this Gaming Code, the Compact or its appendices, seek such relief from the Tribal Court, as authorized in this Gaming Code, against the Gaming Facility Operator or its Licensees as may be necessary in the judgment of the Commission for the proper enforcement of this Gaming Code, the Compact or appendices, or applicable Tribal, Federal or State law regulating Gaming Activity.

[History: Section 1002 Revised and Amended by Resolution 55-06]

Section 1003. Actions Initiated by the Nation, the Gaming Facility Operator, or the Tribal Gaming Board.

(a) Appeal of Adverse Decision, Order or Ruling. Except as otherwise provided in the Gaming Code, the Gaming Facility Operator, the Nation, or the Tribal Gaming Board may file a written appeal from any final decision, order or ruling of the Tribal Gaming Office to the Tribal Court. Such appeal must be filed with the Clerk of the Tribal Court within ten (10) days after receipt of the final order, decision or ruling in conformance with the applicable rules of procedure for the Tribal Court, as may be amended from time to time by the Tribal Council. A copy of the appeal also must be sent simultaneously to the Executive Director of the Tribal Gaming Office.

1. In reaching its decision, the Tribal Court shall consider only such evidence relating to the decision, ruling or order from which appeal is taken as appears in the records of the Tribal Gaming Office and was available to the Commissioners at the time of their decision, order or ruling.
2. The Tribal Court may affirm, reverse, vacate, or modify a decision, ruling or order of the Commission; provided that the Tribal Court shall affirm the decision, ruling or order of the Commission unless such decision, ruling or order is arbitrary, capricious, or otherwise in contravention of applicable law.

(b) Review of Regulations Promulgated by the Tribal Gaming Office. The Tribal Gaming Board or the Gaming Facility Operator may appeal a final regulation promulgated by the Tribal Gaming Office to the Tribal Court. The Tribal Court shall affirm the validity of the regulation, unless such regulation is found to be arbitrary, capricious, or otherwise in contravention of applicable law.

[History: Section 1003 Revised and Amended by Resolution 55-06]

Section 1004. Actions for Trespass

(a) The Nation or the Tribal Gaming Office may, based upon reasonable grounds or reliable complaint made, bring an action in the Tribal Court against any person who commits Trespass upon the Premises as provided for in Section 16 of this Code.

[History: Section 1004 Revised and Amended by Resolution 55-06]

Section 1005. Remedies

(a) The Tribal Court may award monetary damages, back-pay, attorneys fees, injunctive relief, punitive damages, criminal and civil penalties, fines, restitution, forfeiture of property and evidence, costs of administrative proceedings and investigations, taxes, duties or fees or any other relief that is just and equitable under the circumstances to the prevailing party.

(b) Any Person who violates this Gaming Code, the Compact or the appendices, or applicable Tribal, Federal or State law, or whose employees or agents in the course of their employment or agency violate this Gaming Code, the Compact or the appendices, or applicable Tribal, Federal or State law, may have the privilege to engage in business on the Indian Lands of the Nation suspended or terminated by the Tribal Court.

[History: Section 1005 Revised and Amended by Resolution 55-06]

Section 1006. Arbitration

(a) Any party to an action brought under Chapter 10 in Tribal Court except for a defendant in an action for Trespass, may demand binding arbitration in lieu of a Tribal Court action to resolve disputes arising under this Gaming Code, by submitting a written demand for arbitration with the Tribal Court. If the action has already been filed in the Tribal Court, the Tribal Court shall not review the merits of the pending action or proceeding, but shall stay the action or proceeding until an arbitration has been held in compliance with the Nation's Arbitration Code.

(b) At any time during an arbitration, upon request of all parties to the arbitration, the arbitrator(s) may make application to the Tribal Court for advice on any question of tribal or state law.

[History: Section 1006 Revised and Amended by Resolution 55-06]

**CHAPTER 11: PROMULGATION OF REGULATIONS BY THE COMMISSION:
COMMISSIONERS APPROVAL OF GAMING FACILITY RULES AND
PROCEDURES.**

Section 1101. Authority to Promulgate Regulations

(a) The Commission has authority to promulgate written Regulations to guide the activity of Persons responsible for conducting Gaming Activity on the Indian Lands of the Nation, subject to procedural requirements of the APA

[History: Section 1101 Revised and Amended by Resolution 55-06]

Section 1102. Notice and Comment

(a) When promulgating Regulations pursuant to the Commissioners' regulatory responsibilities and authority under this Code, the Compact and appendices, the Commission shall comply with the notice and comment procedures contained in the Yavapai-Apache Nation Administrative Procedures Act, unless a different procedure is otherwise called for by the Gaming Code, the Compact, or its appendices:

[History: Section 1102 Revised and Amended by Resolution 55-06]

Section 1103. Commission Review of Gaming Facility Operator's Plans, Rules, Procedures or Tournament Standards

(a) Right to Audit. Unless specifically required by this Gaming Code, the Tribal Gaming Office shall not require submission of the Gaming Facility Operator's plans, rules, or procedures for advance review prior to implementation. The Tribal Gaming Office has the authority to audit such plans, rule, or procedures after implementation for regulatory compliance.

(b) Submission for Prior Approval; Time Limits. Where the Compact, its appendices, or this Code requires the Gaming Facility Operator to submit plans, rules, procedures, tournament standards or the like to the Commission for review and approval prior to implementation, the following procedures shall apply.

1. The Commission shall submit to the Gaming Facility Operator any written comments and/or objections to the proposed plans, rules, procedures or standards, within ten (10) days of receipt. If the Commissioners do not provide written comments and/or objections to the proposed plans, rules, procedures or standards within ten (10) days of receipt, then the plans, rules, procedures or standards are deemed approved by the Commission.

2. If the Commissioners do submit written comments and/or objections to the proposed plans, rules, procedures or standards pursuant to this Section, the Commission and the Gaming Facility Operator shall meet and confer within fourteen (14) days in a good faith effort to resolve such objections. Within five (5) days following the conclusion of this consultation, the Commission shall either issue a written decision approving the proposed plans, rules, procedures or standards as originally proposed by the Gaming Facility Operator or as may be modified by the Commission. The decision of the Commission upon the conclusion of this process shall be final, except that the Gaming Facility Operator may appeal this final decision pursuant to Chapter 10 of this Code.

[History: Section 1103 Revised and Amended by Resolution 55-06]

CHAPTER 12: FINANCIAL PRACTICES AND REPORTING

Section 1201. Monthly Reports

(a) On or before the twentieth day of each month, the Gaming Facility Operator shall file with the Tribal Gaming Office, the Tribal Gaming Board, and the Tribal Council a certified financial report for the preceding calendar month, prepared in accordance with Generally Accepted Accounting Principles, showing (1) the amount of Gross Receipts derived from Gaming Activities, (2) the operating expenses incurred or paid, (3) the specific classifications of such receipts and expenses allocated by Department, and (4) the net revenues derived from Gaming Activities. It is the duty of the Gaming Facility Operator to maintain and keep such books and records as may be necessary to substantiate the particulars of each report. If the Gaming Facility Operator fails to file the report within the time allowed, or if a report is not properly certified or not fully, accurately, and truthfully completed, the License(s) of the Gaming Facility Operator may be suspended by the Commission until such time as the deficiency has been collected.

[History: Section 1201 Revised and Amended by Resolution 55-06]

Section 1202. Maintenance of Books and Records; Commission' Access

(a) Full and accurate books of account shall be kept on the Indian Lands of the Nation at the places of business of the Gaming Facility Operator showing the condition of the business and all transactions relating to Gaming Activities on the Indian Lands of the Nation. All books and records relating to authorized Gaming Activities, including the records of the Gaming Facility Operator, and the Tribal Gaming Office, shall be separately maintained in order to facilitate auditing in compliance with the Compact and Appendix I. The Commission and the Chairman of the Nation shall have access to such books of account and shall be entitled to examine them during ordinary business hours upon 24 hours notice either in person or by an agent. All records of Gaming Activities in whatever medium shall be retained for five (5) years and during the pendency of any litigation arising from the Compact or for one (1) year following the termination of the Compact. Such books shall be maintained according to generally accepted accounting principles and shall be suitable for audit pursuant to standards of the American Institute of Certified Public Accountants.

[History: Section 1202 Revised and Amended by Resolution 55-06]

Section 1203. Allowable Operating Expenses

(a) No item of expense shall be included or paid in connection with operating or conducting any Gaming Activity except a bona fide expense in a reasonable amount in compliance with Generally Accepted Accounting Practices.

[History: Section 1203 Revised and Amended by Resolution 55-06]

Section 1204. Deposit of Gross Receipts; Payment of Operating Expenses

(a) All Gross Receipts shall be deposited in a special account of the Gaming Facility Operator, which shall contain only Gross Receipts. Such account(s) shall be separate and distinct from all other accounts of the Nation. All operating expenses shall be withdrawn from such account by consecutively numbered checks duly signed by the Gaming Facility Operator or an official or officials thereof designated by the Gaming Facility Operator, payable to a specific Person or organization. No check shall be drawn to "cash" or a fictitious payee.

[History: Section 1204 Revised and Amended by Resolution 55-06]

Section 1205. Annual Audit

(a) The Gaming Facility Operator shall cause to be audited the financial statements of the Gaming Operation, not less than annually at its fiscal year end, by an independent certified public accountant, approved by the Nation, at the expense of the Gaming Facility Operator consistent with the terms of the Compact.

1. Reports. The independent certified public accountant shall issue a report on audited financial statements of the Gaming Operation. The independent certified public accountant shall perform the audit in accordance with generally accepted auditing standards published by the American Institute of Certified Public Accountants and submit the audited financial statements, along with any reports the accountant has prepared, to the Tribal Council, the Tribal Gaming Office, the Commission, and the State Gaming Agency in accordance with all applicable regulations within one hundred twenty (120) days after the Gaming Operation's fiscal year end. If the Gaming Facility Operator changes its fiscal year end, it may elect either to prepare financial statements for a short fiscal year or for an extended fiscal year, but in no event shall an extended fiscal year extend more than fifteen months.

2. Auditors. Either the firm or all independent certified public accountants engaged to do audits pursuant to Chapter 12 of this Code shall be licensed by the Arizona State Board of Accountancy.

3. Audit of Contracts. Any contract for supplies, services, or merchandise in an amount greater than twenty-five thousand (\$25,000) per year, except contracts for professional legal or accounting services, which contract relates to Gaming Activities, shall be subject to annual outside independent certified audits on the order of the Tribal Council at the expense of the Gaming Facility Operator.

[History: Section 1205 Revised and Amended by Resolution 55-06]

Section 1206. Disposition of Net Revenues

(a) The Net Revenues derived from Gaming Activities shall be deposited into a separate fund of the Nation and shall not be used for purposes other than those contained in the Nation's Revenue Allocation Plan, as approved by the U.S.

Department of the Interior.

- (b) In no event shall the Net Revenues from any tribal gaming be used for purposes other than:
 - (i) to fund tribal government operations or programs;
 - (ii) to provide for the general welfare of the Indian tribe and its members; and
 - (iii) to promote tribal economic development; and
 - (iv) to donate to charitable organizations; or
 - (v) to help fund operations of local government agencies.

[History: Section 1206 Revised and Amended by Resolution 55-06]

Section 1207. Compliance with Internal Revenue Code

(a) The Gaming Facility Operator shall maintain a permanent record containing the name and address of each player who receives a prize as required by and in accordance with the Internal Revenue Code. The Gaming Facility Operator will provide the State Gaming Agency a copy of the documentation the Gaming Facility Operator submits to the Internal Revenue Service indicating such game winnings of patrons of the Gaming Operation.

[History: Section 1207 Revised and Amended by Resolution 55-06]

CHAPTER 13: CONDUCT OF CLASS II AND CLASS III GAMES

Section 1301. Class II Games

(a) The Nation may authorize the establishment and conduct of Class II Gaming at designated locations on the Indian Lands of the Nation, including, but not limited to, poker, Bingo, Lotto, pull-tabs, and tip jars, except that poker shall only be conducted under the limits and pursuant to the restrictions set forth in the Compact and Appendix F(2), and the Memorandum of Understanding Regarding Poker Between the Yavapai-Apache Nation and the State of Arizona entered into on December 27, 2002, so long as such limits and restrictions do not infringe upon the jurisdiction of the National Indian Gaming Commission over the regulation of Class II Gaming.

[History: Section 1301 Revised and Amended by Resolution 55-06]

Section 1302. Class III Games

(a) Class III Gaming, including but not limited to Class III Gaming Devices, blackjack, jackpot poker, Keno, lottery, off-track pari-mutuel wagering, pari-mutuel wagering on horse racing, and pari-mutuel wagering on dog racing may be conducted or operated on the Indian Lands of the Nation, only in conformance with the Compact and its appendices.

[History: Section 1302 Revised and Amended by Resolution 55-06]

Section 1303. Designation of Officer in Charge

(a) The Gaming Facility Operator shall designate a Person or Persons to be the officer in charge of the Gaming Facility at all times. The officer in charge shall be primarily responsible for the operation and conduct of Class II or Class III Gaming in the Gaming Facility. The officer in charge must have obtained a License from the Tribal Gaming Office at least ten (10) days prior to the Occasion. There shall be an officer in charge to supervise all Gaming Activities and who shall be present on the Premises continuously during the conduct of Gaming Activities and, if the Gaming Facility otherwise does not operate on a twenty-four (24) hour basis, for a period of at least one (1) hour after the last Gaming Activities of the Occasion has been completed.

[History: Section 1303 Revised and Amended by Resolution 55-06]

Section 1304. Merchandise Prizes

(a) When any merchandise is awarded as a prize in Class III Gaming, the value of such merchandise shall be its current retail price. Merchandise awarded, as a prize may be redeemable or convertible into cash, as long as the cash amount equals the value of the merchandise. A sign shall be posted that explains to the player that the top award merchandise or the cash equivalent, as stated in U.S. dollars, will be awarded for the winning combination of symbols stated on the award glass.

(b) Equipment, prizes, and supplies for Gaming Activities shall not be purchased or sold at prices in excess of a reasonable price thereof.

[History: Section 1304 Revised and Amended by Resolution 55-06]

Section 1305. Limits on Prizes

(a) The size of the prizes offered or given in Class II or Class III Gaming or on any occasion shall be determined by the Gaming Facility Operator, subject to such limits as may be established by the Compact, its appendices or the Tribal Council of the Nation.

[History: Section 1305 Revised and Amended by Resolution 55-06]

Section 1306. Patron Disputes

(a) All Patron Disputes shall be handled in accordance with the requirements in the Compact. No Person may bring an action for the resolution of a Patron Dispute unless the Person immediately notifies an employee of the Tribal Gaming office or the Gaming Facility Operator of the disputed matter.

(b) All Patron Disputes arise exclusively under principles of common law contract, and such disputes shall not, under any circumstances, create a cause of action under any other principle of law including, but not limited to, principles of property law or tort law. Damages, costs, expenses, and attorneys' fees shall not be awarded to a patron in any Patron Dispute, and in no event shall a patron be entitled to recover more than the patron's alleged winnings.

[History: Section 1306 Revised and Amended by Resolution 55-06]

Section 1307. Financial Services in Gaming Facilities

(a) The following financial services shall be prohibited by the Gaming Facility Operator:

1. Locating an automatic teller machine ("ATM") adjacent to, or in close proximity to any Gaming Device;
2. Locating in a Gaming Facility an ATM that accepts electronic benefit transfer cards issued pursuant to a state or Federal program that is intended to provide for needy families or individuals;
3. Accepting checks or other non-cash items issued pursuant to a state or Federal program that is intended to provide for needy families or individuals; and
4. Extending credit to any patron of a Gaming Facility for Gaming Activities.

[History: Section 1307 Revised and Amended by Resolution 55-06]

CHAPTER 14: PROBLEM GAMBLING; SELF-EXCLUDED PERSONS

Section 1401. Notification to Problem Gamblers

(a) At all public entrances and exits of each Gaming Facility, the Gaming Facility Operator shall post signs stating that help is available if a Person has a problem with gambling and providing the State-wide toll-free crisis hotline telephone number established by the Arizona State Lottery Commission.

[History: Section 1401 Revised and Amended by Resolution 55-06]

Section 1402. Self-Excluded Persons

(a) The Tribal Gaming Office shall require that the Gaming Facility Operator take reasonable measures to deter entry into the Gaming Facilities of the Nation, and identify and bar the participation in any Gaming Activities of the Nation by all Self-Excluded Persons. These reasonable measures shall include, but are not limited to, the following:

1. Removing all Self-Excluded Persons from the Gaming Facility Operator's mailing lists and revoking the slot or player's cards for all Self-Excluded Persons;
2. Requiring that cage personnel check a Person's identification against the State Gaming Agency's list of Self-Excluded Persons before allowing the Person to cash a check or complete a credit card cash advance transaction;
3. Requiring that any Person identified as a Self-Excluded Person who may have gained entry to the Gaming Facility is promptly escorted from the Gaming Facility by the Gaming Facility Operator;
4. Posting signs at all public entrances of the Gaming Facilities of the Nation warning that entry into the Gaming Facilities of the Nation by any Self-Excluded Person is willful Trespass which may subject the Self-Excluded Person to criminal prosecution and/or civil suit in the Tribal Courts of the Yavapai-Apache Nation;
5. Prohibiting the payment of any hand-paid jackpot to any Person identified by the Gaming Facility Operator as a Self-Excluded Person. Any jackpot won by a Person on the self-exclusion list shall be donated by the Gaming Facility Operator to a non-profit charitable organization in Arizona;
6. Advising Persons who inquire about self-exclusion of the existence of State Gaming Agency's self-exclusion list, and the current telephone number, address, and internet website address of the State Gaming Agency that the Person can contact for placement on the self-exclusion list;

7. Implementing a procedure for the confidentiality, maintenance, and appropriate dissemination of the self exclusion list by the Gaming Facility Operator, including the necessary identifying information received by the Gaming Facility Operator from the Tribal Gaming Office concerning Self-Excluded Persons; and

8. Provide training to employees of the Gaming Facility Operator in procedures for identification of Self-Excluded Persons and prompt notification to the appropriate individuals within the Gaming Facility.

[History: Section 1402 Revised and Amended by Resolution 55-06]

Section 1403. Responsibilities of the Commission regarding Self-Excluded Persons

(a) Commissioners have the responsibility to ensure that the Gaming Facility Operator is kept aware of Self-Excluded Persons. The Commission shall:

1. Establish a procedure for adding and removing Persons listed on the State Gaming Agency's list of Self-Excluded Persons to the Commissioner's list of Self-Excluded Persons and to promptly disseminate the updated lists to the Gaming Facility Operator, and if applicable, to any other Person having responsibilities for enforcing the provisions relating to Self-Excluded Persons within the Gaming Facility;

2. Implement a procedure for the confidentiality, maintenance, and appropriate dissemination of the self-exclusion list, including the necessary identifying information received by the Tribal Gaming Office from the State concerning Self-Excluded Persons;

3. Compile identifying information concerning Self-Excluded Persons, such information to contain at a minimum the full name and any aliases of the Person, a photograph of the Person, the social security or driver's license number of the Person and the mailing address of the Person; and

4. Provide training to employees of the Tribal Gaming Office in procedures for identification of Self-Excluded Persons and prompt notification to the appropriate individuals within the Gaming Facility and the Tribal Gaming Office.

[History: Section 1403 Revised and Amended by Resolution 55-06]

Section 1404. Limitations on Liability: No Waiver of Sovereign Immunity for Self-Exclusion.

(a) Neither the Nation, the Gaming Facility Operator, the Tribal Gaming Board, the Tribal Gaming Office, nor any employee thereof shall be liable to any Self-Excluded Person or to any other party in any proceeding and neither the Nation, the Gaming Facility Operator, the Tribal Gaming Board, the Tribal Gaming Office, nor the Commissioners shall be deemed to have waived their sovereign immunity with respect to any Person for any harm, monetary or otherwise, which may arise as a result of:

1. The failure of the Gaming Facility Operator or the Tribal Gaming Office, to withhold or restore gaming privileges from or to a Self-Excluded Person; or
2. Otherwise permitting a Self-Excluded Person to engage in Gaming Activity while on the list of Self-Excluded Persons.

(b) Neither the Nation, the Gaming Facility Operator, the Tribal Gaming Board, the Tribal Gaming Office, nor any employee thereof shall be liable to any Self-Excluded Person or to any other party in any proceeding, and neither the Nation, the Gaming Facility Operator, the Tribal Gaming Board, the Tribal Gaming Office, nor any employee thereof shall be deemed to have waived their sovereign immunity with respect to any Person for any harm, monetary or otherwise, which may arise as a result of disclosure or publication in any manner, other than a willfully unlawful disclosure or publication, of the identity of any Self-Excluded Person.

[History: Section 1404 Revised and Amended by Resolution 55-06]

CHAPTER 15: UNDER THE AGE GAMBLING PROHIBITED

Section 1501. Prohibition Against Gambling by Persons under the Age of 21 Years

(a) No Person under 21 years of age may place any Wager, directly or indirectly, in any Gaming Activity, unless the State amends its law to permit wagering by Persons under 21 years of age in any Gaming Activity by a Person or entity other than an Indian tribe, whereupon the Nation may amend Tribal law to change the lawful gaming age under the Compact to correspond to the lawful gaming age under State law.

(b) Unless the Nation amends Tribal law to permit wagering by Persons under 21 years of age as described at Section 1501(a) of this Code, any Wager placed by a Person under the age of 21 years in the Gaming Facilities of the Nation is automatically void and the Gaming Facility Operator shall not knowingly payout any winnings arising out of such Wager, and any payout inadvertently paid to such underage person shall be and is immediately forfeited to the Gaming Facility Operator.

(c) Neither the Nation, the Gaming Facility Operator, the Tribal Gaming Board, the Tribal Gaming Office, nor any employee thereof shall be deemed to have waived the sovereign immunity of the Nation or be liable in any way to a Person under 21 years of age or to any other party in any proceeding as a result of the participation of a Person under 21 years of age in the Gaming Activities of the Nation in violation of this Code and the Compact, or as a result of such Person being prohibited from participating in any Gaming Activity of the Nation.

[History: Section 1501 Revised and amended by Resolution 55-06]

CHAPTER 16: TRESPASS; CONSENT TO JURISDICTION

Section 1601. Trespass

(a) The following Persons are deemed to have committed Trespass on the Premises where any Gaming Activity is conducted by the Nation:

1. Any Self-Excluded Person who enters any Gaming Facility of the Nation;
2. Any Person under the age of 21 years who places or attempts to place any Wager, directly or indirectly, in any Gaming Activity conducted in the Gaming Facilities of the Nation, so long as such conduct remains prohibited under Tribal law and State Law;
3. Any Person who enters any Gaming Facility of the Nation who has been excluded from the Indian Lands of the Nation pursuant to Article V(t) of the Tribal Constitution and other applicable laws of the Nation;
4. Any Barred Person excluded from the Premises by action of the Commission;
5. Any Person who has been issued a Refusal of Service by the Gaming Facility Operator and who refuses to immediately leave or returns to the Premises before the expiration of the Refusal of Service;
6. Any other Person who enters, remains, refuses to immediately leave, or returns to the Premises in contravention to the oral or written request of an agent of the Tribal Gaming Office, a public safety officer, or any authorized agent of the Gaming Facility Operator, for the duration of the oral or written request and any extension thereof.

[History: Section 1601 Revised and Amended by Resolution 55-06]

Section 1602. Prosecution for Trespass

(a) The Nation or the Tribal Gaming Office may initiate a civil suit for Trespass, and to the extent permitted by law, a criminal prosecution against any Person who commits trespass upon the Gaming Facilities or property of the Nation or upon a Person or property of another while on the Premises of the Gaming Facilities of the Nation. Such action shall be filed in the Tribal Courts of the Nation.

[History: Section 1602 Revised and Amended by Resolution 55-06]

Section 1603. Notice and Consent to Jurisdiction

(a) Any Person who enters the Gaming Facilities of the Nation is deemed to have consented to the jurisdiction of the Tribal Courts of the Nation. The Gaming Facility Operator shall conspicuously display at all entrances to the Gaming Facility, and in any other place as may be appropriate, a notice which shall be clearly legible, printed or otherwise inscribed in bold face type and which is substantially in the following form:

1. Any Person who enters Cliff Castle Casino consents and agrees to be subject to the laws of the Yavapai-Apache Nation and to the jurisdiction of the Tribal Courts of the Yavapai-Apache Nation in all civil and criminal proceedings consistent with applicable law.
2. If you are Person who has been barred from this Gaming Facility or any other Gaming Facility in Arizona or if you have been issued a notice of Refusal of Service or have placed yourself on the Self-Exclusion list maintained by the Yavapai-Apache Tribal Gaming Office or the Arizona Department of Gaming, your presence in Cliff Castle Casino is willful trespass which may subject you to criminal prosecution and/or civil suit in the Tribal Courts of the Yavapai-Apache Nation or, where applicable, Federal or State Court.
3. If you a person under the age of 21 and attempt to place a wager in Cliff Castle Casino, your actions may subject you to criminal prosecution and/or civil suit for trespass in the Tribal Courts of the Yavapai-Apache Nation or, where applicable, Federal or State Court.

[History: Section 1603 Revised and Amended by Resolution 55-06]

CHAPTER 17: LAW ENFORCEMENT AND EMERGENCY PERSONNEL

Section 1701. Cooperation with Law Enforcement

(a) The Tribal Gaming Office and the Gaming Facility Operator shall cooperate with law enforcement officials of the State of Arizona, the Bureau of Indian Affairs, the Federal Bureau of Investigation, and other law enforcement agencies and shall coordinate with the State regarding the use of resources, authority, and personnel for the shared goal of preventing and prosecuting criminal and undesirable activity by players, employees, or businesses in connection with the Gaming Facility.

[History: Section 1701 Revised and Amended by Resolution 55-06]

Section 1702. Law Enforcement Service Plan

(a) The Gaming Facility Operator shall implement a written law enforcement services plan in compliance with the provisions of Section 13(e) of the Compact that provides a comprehensive and effective means to address criminal and undesirable activity at the Gaming Facility, including but not limited to sufficient law enforcement resources that are to be available twenty-four (24) hours a day, seven days per week and employment of a police officer (either by the Gaming Facility Operator or the Yavapai-Apache Police Department) holding current Arizona police officer standards and training certification, to be assigned to handle gaming-related matters when they arise.

[History: Section 1702 Revised and Amended by Resolution 55-06]

Section 1703. Emergency Medical and Fire Suppression

(a) The Gaming Facility Operator shall make provisions for adequate emergency accessibility and service. Such provisions shall include a written emergency medical and fire suppression plan to be approved by the Tribal Gaming Office that includes all steps reasonably appropriate to ensure the on-going availability of sufficient emergency services to the Gaming Facility in compliance with the Compact.

[History: Section 1703 Revised and Amended by Resolution 55-06]

CHAPTER 18: FRAUDULENT ACTS; CHEATING

Section 1801. Cheating

(a) It shall be unlawful for any Person:

1. To alter or misrepresent the outcome of a game or other event on which Wagers have been made after the outcome is arrived at but before it is revealed to the player;
2. To place, increase or decrease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet;
3. To aid anyone in the acquisition of such knowledge for the purpose of placing, increasing or decreasing a bet or determining the course of play contingent upon that event or outcome;
4. To claim, collect or take, or attempt to claim, collect or take, money or anything of value in a Gaming Facility, with intent to defraud, without having made a Wager contingent thereon, or to claim, collect or take an amount greater than the amount won;
5. To knowingly entice or induce another to participate in gaming conducted or operated in violation of the provisions of this Code with the intent that the other Person play or participate in that gambling game;
6. To place or increase a bet after acquiring knowledge of the outcome of the game or other event, which is the subject of the bet, including past-posting and pressing bets;
7. To reduce the amount Wagered or cancel the bet after acquiring knowledge of the outcome of the game or the event which is the subject of the bet, including pinching bets; or
8. To manipulate, with the intent to cheat, any component of a Gaming Device in a manner contrary to the designed and normal operational purpose for the component with knowledge that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game.

[History: Section 1801 Revised and Amended by Resolution 55-06]

Section 1802. Use of Device for Calculating Probabilities

(a) It shall be unlawful for any Person patronizing a Gaming Facility located within the exterior boundaries of the Indian Lands of the Nation to use, or possess with the intent to use, any device to assist:

1. In projecting the outcome of the game;
2. In keeping track of the cards played;
3. In analyzing the probability of the occurrence of an event relating to the game; or
4. In analyzing the strategy for playing or betting to be used in the game.

[History: Section 1802 Revised and Amended by Resolution 55-06]

Section 1803. Use of Counterfeit or Unapproved Chips or Tokens or Unlawful Coins or Devices; Possession of Certain Devices, Equipment, Products or Materials

(a) It shall be unlawful for any Person to use counterfeit chips in a game regulated pursuant to this Code.

(b) It shall be unlawful for any Person, playing or using any game regulated pursuant to this Code, which is designed to be played with, received or operated using chips or tokens approved by the Commission or by lawful coin of the United States:

1. To knowingly use chips or tokens other than those approved by the Commission or lawful coin, legal tender of the United States, or to use coin not of the same denomination as the coin intended to be used in that gambling game; or
2. To use any device or means to violate the provisions of this Code, the Compact or its appendices.

(c) It shall be unlawful for any Person, not a duly authorized employee of a Gaming Facility Operator acting in furtherance of his or her employment with the Gaming Facility Operator, to have on his or her person or in his or her possession, on or off the Premises, any device intended to be used to violate, the provisions of this Code, the Compact or the appendices.

(d) It shall be unlawful for any Person, not a duly authorized employee of the Gaming Facility Operator acting in furtherance of his or her employment within the Gaming Facility, to have on his or her person or in his or her possession, on or off the Premises, any key or device demonstrated to have been designed for the purpose of and suitable for opening, entering or affecting the operation of any game regulated pursuant to this Code, drop box or any electronic or mechanical device connected thereto or for moving money or other contents there from.

(e) It shall be unlawful for any Person to have on his or her person or in his or her possession any paraphernalia for manufacturing slugs.

[History: Section 1803 Revised and Amended by Resolution 55-06]

Section 1804. Possession of Paraphernalia

(a) Possessing paraphernalia for manufacturing slugs, which includes possession of more than one device, piece of equipment, product or material described in this Section, shall create, in any action against the possessor resulting from such possession, a rebuttable inference that the possessor intended to use them for the purpose of cheating.

[History: Section 1804 Revised and Amended by Resolution 55-06]

Section 1805. Marking, Alteration or Modification of Equipment and Devices Associated with Gaming; Unlawful Instruction

(a) It shall be unlawful to mark, alter or otherwise modify any Gaming Device in a manner that:

1. Affects the normal criteria of random selection or Gaming Device, as defined in the Compact or its appendices, affecting the operation of a game or which determines the outcome of a game; or
2. Alters the normal criteria of random selection affecting the operation of a game or which determines the outcome of a game.

(b) It shall be unlawful for any person to instruct another in cheating or in the use of any device for that purpose, with the knowledge or intent that the information or its use so conveyed may be employed to violate any provision of this Code, the Compact or its appendices.

[History: Section 1805 Revised and Amended by Resolution 55-06]

Section 1806. Penalties

(a) Any Person who violates any provision of this Section shall be punished to the maximum extent allowable by Tribal, Federal, and State law.

(b) Any Person or Persons who attempt(s), or two or more persons who conspire, to violate any provision of this Section, shall each be punished by imposing the penalty provided in Section 1806(a) of this Code, or in conformance with any other applicable penalty pursuant to Tribal, Federal, or State law, for the completed crime, whether or not he or she personally played any gambling game or used any prohibited device.

[History: Section 1806 Revised and Amended by Resolution 55-06]

Section 1807. Unlawful Dissemination of Information Concerning Racing; Exemptions, Penalty

(a) It shall be unlawful for any Person to furnish or disseminate any information in regard to racing or races, from any point within the State to any point outside the State, by telephone, telegraph, teletype, radio or any signaling device, with the intention that the

information is to be used to induce betting or wagering on the result of the race or races, or with the intention that the information is to be used to decide the result of any bet or wage made upon the race or races.

1. This Section does not prohibit:

(i) A newspaper of general circulation from printing and disseminating news concerning races that are to be run or the results of races that have been run; or

(ii) The furnishing or dissemination of information concerning wagers made in an off-track pari-mutuel system of wagering authorized under this Code, the Compact or its appendices.

[History: Section 1807 Revised and Amended by Resolution 55-06]

Section 1808. Detention and Questioning of Persons Suspected of Violating Tribal, Federal or State law; Limitations on Liability and Posting of Notice

(a) Authorities who question any Person suspected of violating any Tribal, Federal or State law, or any provision of this Code, the Compact or its appendices shall not be criminally or civilly liable for:

1. The questioning of a suspected violator; or

2. Any report given to the Tribal Gaming Office, the Gaming Facility Operator, the State Gaming Agency, Federal or State regulatory authorities, or law enforcement authorities regarding the identity of a Person suspected of violating any Tribal, Federal or State law, or any provision of this Code, the Compact or its appendices.

(b) Any regulatory, public safety, security service provider or law enforcement authority who has probable cause to believe that a Person has violated Tribal, Federal or State law, while in a Gaming Facility located on the Indian Lands of the Nation, may take such Person into custody and detain such Person in a reasonable manner and for a reasonable length of time.

(c) Such taking into custody and detention shall not render the authority criminally or civilly liable unless it is established by clear and convincing evidence that the custody and detention was wholly unreasonable under all the circumstances.

(d) There must be displayed in a conspicuous place in the gaming enterprise a notice in boldface type which is clearly legible in substantially this form:

1. Agents of the Tribal Gaming Office or the State Gaming Agency, or any public safety officer who has Probable Cause for believing that a Person has violated Chapter 18 of the Yavapai-Apache Nation Gaming Code prohibiting cheating or other fraudulent acts in gaming may detain that person in the Gaming Facility.

[History: Section 1808 Revised and Amended by Resolution 55-06]

Section 1809. Disposition of Evidence or Other Property Seized by Agent of the Tribal Gaming Office

(a) Except as otherwise provided in the Compact and its appendices, any evidence of cheating, fraudulent acts or other violations of this Section, seized from the suspected perpetrator, shall be turned over to the custody of the Tribal Police pending resolution by a court of competent jurisdiction. If no prosecution is undertaken or the court dismisses the case, any Person who has a claim to the seized evidence may file a written claim for return of said evidence with the Tribal Gaming Office within 30 days of receiving notice from the Tribal Gaming Office.

(b) If more than one Person files a claim for the evidence or property:

1. The Persons who have filed a claim for such evidence or may agree among themselves as to how they wish to divide the evidence or property, or
2. The Persons who have filed a claim for such evidence or property may agree to submit the matter to binding arbitration or any single Person may institute legal proceedings before the Tribal Court to determine the proper disposition of the evidence or property. The Commission shall return the evidence or property to the Persons who have filed a claim for such evidence or property in accordance with any agreement among the Persons who filed the claim or a final judgment or award made pursuant to the provisions of this Section.
3. A Person to whom evidence or property is returned by the Commission pursuant to this Section shall execute such documents as are required by the Commission to defend, hold harmless, indemnify and release the Commission from any liability arising from the delivery of the evidence or property to the claimant.
4. If no claim is submitted within the thirty (30) days as provided herein, the Nation may use such evidence or property for any lawful purpose. The Commission may dispose of any evidence or property, which cannot be used for any lawful purpose in any reasonable manner.

[History: Section 1809 Revised and Amended by Resolution 55-06]

CHAPTER 19: OTHER PROVISIONS

Section 1901. Severability

(a) In the event that any section or subsection of this Code be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other section or subsection of this Code.

[History: Section 1901 Revised and Amended by Resolution 55-06]

Section 1902. Effective Date

(a) This Gaming Code shall be effective as of the date the National Indian Gaming Commission approves this Title.

[History: Section 1902 Revised and Amended by Resolution 55-06]

Section 1903. Agent for Service of Process.

(a) The Tribal Chairperson is the authorized agent for service of process.

[History: Section 1903 Revised and Amended by Resolution 55-06]